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BY THE SENATE,  
February 13th, 1860.

2000 copies ordered to be printed.

By order W. KILGOUR, *Secretary*.

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HOUSE OF DELEGATES  
OF THE  
STATE OF MARYLAND.

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Baltimore City Contested Election.

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P A P E R S  
IN THE  
CONTESTED ELECTION CASE  
FROM BALTIMORE CITY.

ADAM DENMEAD,  
E. WYATT BLANCHARD,  
FRANCIS B. LONEY,  
HUGH A. COOPER,  
ISAAC S. GEORGE,  
JOHN J. GRAVES,  
HENRY STOCKBRIDGE,  
JOHN F. MEREDITH,  
WILLIAM COLTON,  
WILLIAM F. BURNS,

} vs. {

CHARLES L. KRAFFT,  
THOMAS BOOZE,  
ROBERT L. SETH,  
WILLIAM A. WISONG,  
GEORGE R. BERRY,  
F. C. CROWLEY,  
R. A. McALLISTER,  
THOMAS M. SMITH,  
ROBERT TURNER,  
MARCUS DENISON.

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B. H. RICHARDSON, PRINTER,

ANNAPOLIS, MARYLAND.

1860.



## PAPERS IN THE CONTESTED ELECTION CASE.

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### CONTESTANTS' EXHIBIT A.

BALTIMORE, Nov. 16, 1859.

TO CHARLES L. KRAFFT,  
THOMAS BOOZE,  
ROBERT L. SETH,  
WILLIAM A. WISONG,  
GEORGE R. BERRY,

F. C. CROWLEY,  
R. A. McALLISTER,  
THOMAS M. SMITH.  
ROBERT TURNER,  
MARCUS DENISON.

GENTLEMEN: We hereby notify you, that we intend to contest the election by virtue of which you have been returned as members of the House of Delegates of the State of Maryland, for the ensuing two years, upon the following grounds:

1. Because one or more of the persons who acted as judges of election on the day of your pretended election, viz.: the first Wednesday of November, 1859, did so without any legal warrant or authority for so doing.

2. Because certain of the judges of election were not fair and independent men, and did not discharge their duties in an upright and impartial manner, but, on the contrary, were active partisans of yours, and subject to the control, and submitted to the dictation of unscrupulous and reckless party organizations: and certain other of the judges, who desired honestly to discharge their duty, were assailed by threats of violence and death, with actual violence and with deadly weapons; were intimidated and compelled to receive, and did receive many fraudulent and illegal votes which were cast for you; were deprived of the power to preserve order and peace by the neglect, refusal to act, and withdrawal of the police of the city, and were finally compelled to relinquish, and did relinquish their places, cease to act as judges, and leave the polls; a part of the clerks of election doing the same.

3. Because the ballots offered for you, and received by the judges in various of the wards of the city, were so contrived and designed as to render a secret vote impossible, and however folded, to give notice of the character of the vote to the ruffians that infested the polls, and thus to make the elector who ventured to vote any ticket save yours, a mark for assault and violence.

4. Because the polls in many instances were located at places at all times avoided by all respectable persons, and at or in the immediate vicinity of the headquarters of notorious political and fighting clubs, and which contained and were generally known to contain large quantities of muskets, rifles and other deadly weapons, and after the polls had been so located, such further arrangements were made as to afford facilities for the use of these weapons with the intent of intimidating and deterring (as they actually did deter), voters who desired and designed to vote for us, from coming to the polls, or of perpetrating violence and murder upon them if they should come.

5. Because prior to the day of election, threats of violence and death to all who should vote against yourselves were proclaimed and widely circulated, and transparencies and other threatening devices were openly and by permission of the city authorities, paraded through the streets, the intent and effect of which was to intimidate voters who desired to vote for us, and prevent their voting on election day; and although both these measures of intimidation were well known to the authorities of the city, they steadily refused to make known to the citizens whether any preparations had been made to protect the citizens from threatened violence, although repeatedly and earnestly requested so to do.

6. Because large numbers of men prior to the day of election, were seized, imprisoned, drugged and subjected to gross outrage and abuse, and on the day of election brought from their "coops" and compelled by intimidation and duress, to vote for you, and carried in hacks and omnibuses from poll to poll, and voted in many of the different wards.

7. Because at an early hour a simultaneous, murderous and unprovoked attack was made in almost all the wards of the city, upon the challengers and voters desiring our election, by large gangs of organized and armed ruffians, who, pursuant to a pre-arranged and determined plan, took possession of the polls, obstructed the approach thereto, violently assaulted peaceful voters and unoffending citizens, who desired and designed to vote for us, and prevented their voting, until the effort to do so was abandoned and the polls given up to riot and lawlessness, the few police officers upon the ground conniving at the whole proceeding, refusing to interfere to prevent outrage, or to protect voters, or to seize or remove muskets or rifles openly displayed and discharged at those desiring our election, and claiming that they had orders to that effect.

8. Because by the manifest complicity of the authorities of the city, in an organized attempt to violate law, commit murder if necessary, and at all hazards to carry the election by violence and fraud, by the general prevalence of that fraud, violence and disorder, and the evident impossibility of a fair, free and honest election, thousands of citizens desiring our election, who consti-

tute a large majority of the legal voters of the city were deterred from going to the polls or participating in the shameless mockery of the pretended election by any attempt to exercise the elective franchise.

These allegations we intend to substantiate by proof, and then to claim that we are the choice of a majority of the legal voters of the city of Baltimore, and as such entitled to seats in the House of Delegates for the ensuing two years.

ADAM DENMEAD,  
E. WYATT BLANCHARD,  
FRANCIS B. LONEY,  
HUGH A. COOPER,  
ISAAC S. GEORGE,  
JOHN J. GRAVES,  
HENRY STOCKBRIDGE,  
JOHN F. MEREDITH,  
WILLIAM COLTON,  
WILLIAM F. BURNS.

*State of Maryland, City of Baltimore, Set :*

On this 17th day of November, 1859, before me a Justice of the Peace of the State of Maryland, in and for the city of Baltimore, appeared John K. Stevenson, who being duly sworn, said that he delivered on this date, copies in writing of the foregoing notice, at the usual residence of each of the persons named in the address thereof, viz.: to Charles L. Krafft, Thomas Booze and Robert Turner, in person, at their said several places of residence; and Robert L. Seth, William A. Wisong, George R. Berry, F. C. Crowley, R. A. McAllister, Thomas M. Smith and Marcus Denison, being absent from their said several places of residence, he left said copies there for them respectively.

JOHN K. STEVENSON.

Subscribed and sworn before me,

DANIEL E. MYERS, J. P.

## CONTESTANTS' EXHIBIT B.

*State of Maryland, Baltimore City, Set :*

To Charles L. Krafft, Thomas Booze, Robert L. Seth, Wm. A. Wisong, George R. Berry, F. C. Crowley, R. A. McAllister, Thomas M. Smith, Robert Turner and Marcus Denison.

Whereas, Adam Denmead, E. Wyatt Blanchard, Francis B. Loney, Hugh A. Cooper, Isaac S. George, John J. Graves, Henry Stockbridge, John F. Meredith, William Colton, and William F. Burns, have made application to me to take the testimony of witnesses to be produced by them before me to testify in the matter of their contest of your right to seats in the

House of Delegates of the State of Maryland, for the ensuing two years, I hereby notify and require you to attend in person, or by your attorney, duly authorized, at my office, No. 28 St. Paul Street, in the city of Baltimore, on the 5th day of December, 1859, at 9 o'clock, A. M. and at the same hour from day to day thereafter, and cross-examine the witnesses whose names are hereto annexed, to be then produced and examined before me by said contestants.

Witness my hand and seal, this 21st day of November, 1859.

DANIEL E. MYERS,

[SEAL.] *Justice of the Peace of the State of Maryland,  
in and for the city of Baltimore.*

## LIST OF WITNESSES

TO BE EXAMINED, REFERRED TO IN THE FOREGOING NOTIFICATION.

William C. Cockey,	Dr. F. E. B. Hintze,	Walter Price,
Lewis Wagner,	Dr. John Morris,	H. W. Drakely,
William Dean,	P. Morton,	John W. Lee,
Josiah Hitchcock,	M. Morton,	I. Pettitt,
Peter Mowell,	Dr. John A. Doyle,	Samuel Levy,
James Lewellyn,	John Heiner,	J. L. Gettier,
William Smith,	Thomas Dailey,	Joseph Sisselberger,
Edward Horney,	John R. Canole,	John Oliver,
William S. Gorton,	L. Muller,	John Kitler,
Thomas J. Rusk,	Thomas Fisher,	Patrick Nevin,
William Hunt,	I. Corbitt,	Edward Cockey,
Frederick C. Meyer,	Capt. J. J. Taylor,	Leonard Passano,
John L. Chapman,	George Holton,	S. Kemp, Sr.,
Archibald B. Redmond,	Henry Hanzsche,	John R. Diggs,
Stephen Wellslager,	T. J. Brown,	Dr. P. S. Kinnemon,
William Bartlett,	Thomas H. Martin,	George Evans,
William Moore,	——— Carter,	T. J. Cropper,
William Stetter,	S. Teackle Wallis,	Robert A. Clark,
John C. Krantz,	Geo. Wm. Brown,	Thomas Sullivan,
Anton Baltz,	T. H. Belt, Jr.,	Edwin S. Tarr,
Henry Baltz,	Daniel M. Thomas,	Robert Eareckson,
Rev. Daniel Myers,	Abraham Barnes,	Robert T. Banks,
Phillip Sherwood,	George H. Haig,	Archibald Wilson,
Joseph Randolph,	Thomas H. Matthews,	Louis Dennies,
H. C. Brown,	A. Russell,	Mahlon S. Ely,
Elisha F. Lupton,	William E. Whitson,	Charles W. Ely,
William R. Jackson,	Samuel E. White,	Christopher Birkhead,
Joseph Sloan, Jr.,	William Swindell,	Geo. W. Mowbray,
Bernard Kernan,	Dr. John Kerr,	Stephen Bridge,
Rev. J. S. McMurray,	Samuel Winter,	Joshua Vansant,
William Allen,	John McCurley,	Joseph Vansant,
Joseph S. Dorsey,	L. E. Ballard,	James Musgrave,
Hugh J. Morrison,	Thomas Coale,	Charles Phillips,

Dr. John Thorne,	Benjamin Horn,	George H. Kyle,
J. Clarkson,	A. J. Gettier,	A. H. Pennington,
William Dukehart,	E. P. Gettier,	William G. Fosbenner,
Henry Ray,	Frederick Teufel,	T. Joseph Rogers,
Hugh Bolton,	John Richards,	William H. Berry,
Samuel Toulér,	William Bouldin,	Washington A. Page,
Phillip Robb,	Dr. Milton N. Taylor,	John Prenty,
Frederick Colston,	Samuel Maccubbin,	H. F. Garey,
William Colston,	Thomas W. Mills,	Thomas Ricktor,
J. E. Montell,	Samuel Bourne,	Theodore Woodall,
William H. Norris,	Henry Taylor,	William T. Brown,
James W. Lyon,	Henry Wilson,	Joseph E. Crangle,
Samuel H. Lyon,	Col. S. S. Mills,	H. H. Chase,
J. Hanson Thomas,	Geo. M. Harris,	Joseph Walters,
Johu Kidd,	Wesley R. Harris,	George Launer,
J. G. Curlett,	Charles Webb,	Joseph High, Sen.,
Telfair Marriott,	Joseph McKewen,	Capt. J. C. Hennick,
Charles H. Wyatt,	Wm. C. Cunningham,	John W. Davis,
Joseph Rutherford,	Francis Keeper,	George Reeder,
W. C. N. Carr,	Samuel W. Conant,	Felix McCurley,
Ichabod Jean,	—— Linhard, Sen.,	Robert A. Thursby,
Dr. J. C. Orrick,	Richard N. Selby,	T. E. Hambleton,
P. G. Sauerwein,	Samuel Teal,	Walter Wilkinson,
C. W. Tayleure,	William Potter,	T. J. Brotherton,
Henry P. Brooks,	Edwin Chesney,	J. C. Nicodemus,
Joseph Switzer,	Lindsay Sturgeon,	Charles Gutzick,
Joseph H. Bean,	Dr. Benj. R. Hillyard,	Capt. Ellis,
William Bridges,	Dr. J. S. Raborg,	G. Allen,
R. H. Cushing,	Dr. Chas. H. Bradford,	W. L. Stansbury,
Thomas Graham,	Peter Fitzpatrick,	B. F. Zimmerman,
Dr. Loughery,	William Harrison,	Henry Funk,
Dr. John B. Williams,	George W. Ruckle,	Henry Buck,
J. B. Brashears,	John W. Seidenstricker,	Phillip Chapin,
Lawrence Sangston,	Rev. John McCron,	John M. Buck,
W. Pinckney Martin,	George W. Howard,	Joseph M. Peregoy,
Ignatius Abel,	A. Brown Davidson,	John Black,
Frederick Bowers,	Prof. W. H. Baxley,	Elijah Stansbury,
Henry Travers,	Michael Warner,	Francis Luke,
Edward Swindell,	Otis Spear,	Thomas S. Austin,
John Spence,	William M. Starr,	William Bishop,
John W. Collary,	Caleb Douty,	William H. Gordon,
Edward Moon,	R. W. Latimer,	Henry Whitaker,
Henry Franz,	John Carroll,	George S. Bandel,
William Sharer,	Charles D. Hinks,	L. M. Reynolds,
S. R. Smith,	Robert R. Kirkland,	John J. Early,
James Alexander,	Charles H. Shott,	William J. O'Brien,
Dr. L. H. Dammann,	Michael M. Ege,	Dr. Wm. C. Tappan,
Eli Tucker,	Adolph J. L. Simon,	John R. Blake,
Richard Fonder,	William J. Bosley,	Jacob Trust,
Thomas Gifford,	Alfred Conway,	Wendell Bollman,
Thomas Bond,	George Courts,	Thomas Lister,
John A. McGuire,	Charles Klunk,	William A. Hack,
Thomas Turner,	William J. Steuart,	George Cassard,

Wm. C. D. Peregoy,	James H. Steuart,	Alfred Brenton,
James W. Vanhorn,	—— Graves,	William H. Dulany,
Samuel Ireland,	L. L. Barranger,	Rev. Franklin Wilson,
John Richards,	James H. Hann,	James Hewes,
Dr. W. M. Merryman,	William J. Kirk,	William S. Bryan,
William Stanley,	Louis Switzer,	James Murphy.
Chas. W. G. Baughman,	George Switzer,	

*State of Maryland, City of Baltimore, Sct. :*

On this 5th day of December, 1859, before me, a Justice of the Peace of the State of Maryland in and for the city of Baltimore, appeared John K. Stevenson, who being duly sworn, said that on the 22d day of November, 1859, he delivered copies in writing of the foregoing notice and list of witnesses to each of the persons named in the address thereof, viz.: to Charles L. Krafft, Thomas Booze, Robert L. Seth, William A. Wisong, George R. Berry, F. C. Crowley, R. A. McAllister, Thomas M. Smith, Robert Turner, and Marcus Denison, by leaving the same at their several usual places of residence.

JOHN K. STEVENSON.

Subscribed and sworn before me,  
DANIEL E. MYERS, J. P.

CONTESTANTS' EXHIBIT C.

*State of Maryland, Baltimore City, Sct. :*

To Charles L. Krafft, Thomas Booze, Robert L. Seth, William A. Wisong, George R. Berry, F. C. Crowley, R. A. McAllister, Thomas M. Smith, Robert Turner and Marcus Denison.

GENTLEMEN: In addition to the witnesses whose names were heretofore furnished you, I hereby notify you that the persons whose names are hereto subjoined, are to be examined under and in pursuance of the notice heretofore given you, by Adam Denmead, E. Wyatt Blanchard, Francis B. Loney, Hugh A. Cooper, Isaac S. George, John J. Graves, Henry Stockbridge, John F. Meredith, William Colton and William F. Burns, contestants of your seats in the House of Delegates of the State of Maryland, and I notify and require you to attend in person or by attorney, and cross-examine said witnesses, as required by said former notice, to which this is a supplement; none of them however to be examined before the 20th day of December, 1859.

Witness my hand and seal, this 9th day of December, 1859.

DANIEL E. MYERS, J. P. [SEAL.]

## ADDITIONAL WITNESSES

TO BE EXAMINED, REFERRED TO IN THE FOREGOING NOTICE.

John L. Baker,	R. D. Fisher,	William Canby,
Gideon Baker,	T. Parkin Scott,	B. M. Bixler,
William D. Lambdin,	Wm. Woodward, Jr.,	Geo. H. E. Bailey,
James N. Muller,	Dr. Thomas A. Lynch,	Dr. A. C. Robinson,
Charles T. Morris,	Washington Yellott,	C. Dugan,
John Stroble,	Wm. Carvel Hale,	Biron Grundy,
John P. Poe,	L. Hartman,	Dr. Mackall,
John Beacham,	H. W. McCubbin,	E. W. Briding,
Thomas Grahame,	Patrick Rial,	Dr. Geo. Benson,
Dr. F. Chatard,	Thomas McGlannan,	Wm. F. Washburn,
George W. Squires,	W. J. Page,	William C. Simms,
Dr. C. C. Richardson,	Conrad Linderman,	James Hooper,
Samuel H. Adams,	Gotleib Fray,	Bernard L. Harig,
John F. Adams,	James Stockdale,	William G. Thomas,
Marion Hay,	Ephraim Larrabee,	Daniel K. Bayley,
William C. West,	W. H. Owens,	A. L. Knott,
James Arnold,	Alexander H. Stump,	Lewen Thomas,
Charles E. Phelps,	J. D. Pratt,	Wilson M. Cary,
George P. Frick,	Allen A. Chapman,	A. P. Woods,
Charles F. Bevan,	J. W. Wheelwright,	George L. Harrison,
Charles H. Pendergast,	John T. Crow,	Charles Reese,
Bernard Carter,	George E. Sangston,	Samuel G. Spicer,
Patrick Finnegan,	William Addison,	E. Wolf,
J. T. Laws,	Thomas Turner,	S. W. Briscoe,
Benjamin W. Herring,	A. Stirling, Jr.,	John G. Sitterding,
H. Walker,	J. G. Thiele,	F. Diering.
Neilson Poe, Jr.,	H. D. Smith,	

### *State of Maryland, City of Baltimore, Set:*

On this 16th day of December, 1859, before me a Justice of the Peace of the State of Maryland, in and for the city of Baltimore, appeared John B. Ray, who being duly sworn, said that on the 9th day of December, 1859, he delivered a copy in writing of the foregoing notice and list of witnesses, to John H. Ing, the duly authorized attorney of the claimants, and who was at the time of such delivery, engaged in cross-examining the witnesses produced on the part of the contestants, at the office of Daniel E. Myers, Esq., No. 28 St. Paul Street, in the city of Baltimore.

JOHN B. RAY.

Subscribed and sworn before me,

DANIEL E. MYERS, J. P.

### OATH ADMINISTERED TO THE CLERK.

You do swear on the Holy Evangely that you will well and truly and fairly write down and transcribe the depositions taken

before me by the contestants in the matter of the contest of the seats for the House of Delegates of the State of Maryland for the ensuing two years, of the persons returned as elected on the first Wednesday of November, 1859, to represent the city of Baltimore in said House.

DANIEL E. MYERS, J. P.

The contestants filed before me in the case a paper writing marked now "Contestants' Exhibit A," purporting to be a notice to the persons returned as elected, of the contestants' intentions to contest their rights, which is hereto annexed.

The contestants filed now with me a paper writing purporting to be a notice of the contestants' intentions to take testimony and a list of their witnesses, which is hereto annexed, marked "Contestants' Exhibit B."

## EVIDENCE.

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EDWARD HORNEY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

### *Examination in chief.*

Question. Are you a resident of the city of Baltimore, and if so, of what ward?

Answer. Witness is a resident of the first ward.

Question. Were you present at the election on the second of November, 1859, and if so, in what capacity?

Answer. Witness was a judge of the election.

Question. Where were the polls of that ward held?

Answer. They were held on Loudenschlager's Hill, on Baltimore Street.

Question. Were they held at a point remote from the thickly settled part of the ward?

Answer. They were.

Question. Was it a place proper for the holding of the polls, and favorable to the having of a fair election or otherwise?

Answer. I don't think it was.

Question. State your reasons?

Answer. Witness's reasons are, that it was an out of the way place for holding an election; there were other places in the ward that would better accommodate the voters.

Question. State whether you saw any voters interfered with in their approach to the polls in voting, or in going from the polls, and if so the character and extent of that interference?

Answer. Witness saw persons coming up to the polls to vote, they were crowded out and shoved away by the crowd; they were not allowed to come up to the window. Witness saw others come up to vote, and as they turned their back they were struck. They had worked their way in through the crowd. These were frequent occurrences at the polls on the Hill during the day. Men were interfered with and crowded away.

Question. Do you know who the persons were that interfered with the voters in the manner you have stated?

Answer. I know their faces well enough, but not their names.

Question. Do you know with what, if any, political party they were connected?

Answer. Yes, they were connected with the American party.

Question. Did they control the access to the polls?

Answer. Yes, sir.

Question. Were there any threats or violence used towards the judges of the election, or any person in the judges' room; if so state particularly what the same were?

Answer. There were stones thrown in the window, who threw them witness does not know. Witness was struck by two of them himself, one on the cheek, one on the hat; but witness does not know that they were thrown at him in particular. Other parties also were struck with stones.

Question. Was there any other violence?

Answer. There were threats made to one of the other judges, and the shutter taken off and thrown in through the window, and the clerk cut by it on the head. They threatened from the outside to come in and take the ballot box from us, the judges, and destroy it. We had to close the polls before the regular hour of closing, and take the ballot box away and count the ballots in another house.

Question. By what party of persons were these threats made?

Answer. By the American party. I judge them to have been that, for they were the parties who had possession of the window.

Question. With the state of things existing at the polls, was it possible to procure at the ballot box a fair expression of the views of the voters on that day?

Answer. I don't think it was, from this fact: I know a great many that would have come to vote, and would have voted, but they were afraid, at least they told me they were.

Question. Do you know the political sentiments of the persons to whom you refer in your last answer?

Answer. If they had come they would have voted the Reform ticket, at least they said so.

*Cross-examination by Mr. Krafft.*

Question. Did you sign the returns as one of the judges of the election?

Answer. Yes, sir.

Question. Were you one of the Americans, or one of the Reform judges?

Answer. I suppose I was appointed as one of the Reform judges; I am an American by birth, not by party.

Question. What were your former political sentiments?

Answer. Democrat; I am one yet.

Question. Have you ever been judge of an election before in that ward?

Answer. Yes, sir, frequently.

Question. Where have the polls in that ward been held for the last four or five years?

Answer. On Loudenschlager's Hill, in the immediate neighborhood of the place where they were held at the last election.

Question. Is it a place that every body is acquainted with, and has access too?

Answer. Every body is acquainted with it, and it is accessible.

Question. Are there any natural obstructions?

Answer. Natural; no, sir.

Question. How many persons were there around the window at a time, during the day of the election?

Answer. Sometimes there were only some five or six, and then again there were forty or fifty.

Question. Was the window so crowded during the whole day, that there was difficulty in getting up to the window?

Answer. If there were only five or six near the window, and a Reformer showed himself with a ticket, there would be a rush toward the window, and the crowd would then be so great that he could not get up to the window, he would be crowded out; that is the only way I can answer that question; then witness saw it again that Reformers would come up and vote without any objection or difficulty; how it was and why partiality was shown, witness can't say; some could vote with ease, and others could not vote at all.

Question. How many persons in number do you suppose were prevented from voting?

Answer. Witness cannot say with any propriety or honesty at all; cannot form any idea at all; witness should not like to name any number at all.

Question. To your certain knowledge at the polls how many persons were prevented from voting by actual violence, intimidation, or threats?

Answer. Witness cannot say, but this much witness could say, that he does not believe there were enough of persons prevented from voting, at the polls, to change the complexion of the result on the Hill.

Question. Do you know of persons having been solicited at the window to come up and vote, and they refused to do so?

Answer. Witness does not; if there were witness knows nothing of them.

Question. Were any persons shot, or were any persons injured by weapons?

Answer. Witness saw nothing of it; there were weapons on the ground, guess pistols, and perhaps swords; witness supposed they were brought up there in fun, but it appeared afterwards they were in earnest; they had a family quarrel among themselves.

Question. Were the weapons used against, or to intimidate the Reformers?

Answer. Not that witness saw.

Question. Did you see at the polls any greater violence than you have often seen before for the last fifteen or twenty years?

Answer. Witness cannot say there was any greater violence on this particular occasion, for there was nobody there to quarrel with, only when a poor fellow would stray up there by himself and get beat off; fifteen, or ten years ago, when the Whigs and Democrats used to battle it out, each party was represented at the window; on this occasion, one party took possession of the window and kept it.

Question. How many votes was cast that day?

Answer. About seven hundred.

Question. How many of those were Reform, how many American?

Answer. Witness cannot remember the exact number; thinks the Reformers polled only about one hundred and twenty.

Question. Do you know whether the Reformers had any organization in your ward?

Answer. Witness does not know; never attended any of their meetings if they had any; believes there were some meetings before the City Council election, but none afterwards.

Question. Did you see any extraordinary violence at the election on that day?

Answer. No; no more than shoving, pushing, &c.; some few knocked down.

Question. Did you, as judge, sign the returns that the Americans had a legal majority of the votes cast that day?

Answer. I did.

*Cross-examination concluded.*

*Re-examination.*—Question. Do I understand correctly, that when, in answer to one of the cross-questions propounded by Mr. Krafft, you stated that the number of persons who were prevented from voting at the polls were not sufficient to change the result of the vote, you meant to say the number of persons only whom you saw attempt to vote, and who were prevented by violence, threats, or intimidation, were not sufficient to change the result?

Answer. That is what I meant to say.

EDW. HORNEY.

Test, DANIEL E. MYERS, J. P.

BALTIMORE, December 5th, 1859.

WILLIAM S. GORTON, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says, as follows, to wit:

*Examination in chief by Messrs. Stockbridge and Blanchard.*

Question. Where do you reside?

Answer. In the first ward of the city of Baltimore.

Question. Where were you at the election held on the first Wednesday of November, 1859, and in what capacity?

Answer. Witness was one of the clerks of election in the first ward, and was in the judges' room.

Question. State what occurred there, that you saw? Did you see any violence, or obstruction of voters by violence?

Answer. Witness saw that the window during the entire day, with short intermissions, seemed to be in the possession of a turbulent body of men, who permitted some to vote, and utterly excluded others who attempted to vote.

Question. Did you see any person struck?

Answer. Witness's position was such that he could not see.

Question. Were there any challengers of the Reform party at the window?

Answer. Witness saw none of the Reform party.

Question. Were the judges or clerks of election assaulted or threatened to your knowledge?

Answer. They were. It was near the time of closing the polls that bricks were thrown in through the window; witness believes that all the clerks and judges were struck; witness was struck with a brick on the hand.

Question. Did you see any weapons displayed there in men's hands?

Answer. About the middle of the day, I did; there was quite a number of muskets, and cut off muskets, called in slang terms "bob tail," flourished around the window.

Question. Do you know to what party the persons were attached, who formed the turbulent party at the window, of which you have spoken?

Answer. I only know by their rallying cries, and they were those of the "American" party.

Question. Did you hear any threats or expressions used by these persons calculated to deter Reformers from coming up to vote?

Answer. I heard them call out frequently during the day, that no more Reform votes would be allowed to be taken.

Question. Had this party of persons complete control of the access to the polls and window?

Answer. I think they had.

*Examination in chief concluded.*

*Cross-examination by Mr. Krafft.*—Question. For which party were you clerk?

Answer. For the Reform party.

Question. What were your politics at this and former elections ?

Answer. My politics have ever been Democratic.

Question. Describe your position in the room, and whether you were able to see the faces of the persons who were about the window ?

Answer. Witness was sitting some two or three feet from the window at a table, recording the names of voters as their ballots were placed in the box.

Question. How many persons did you see prevented from voting ; name them if you can ?

Answer. It would not be possible for me to say how many, or about how many ; I saw some, there was not any great number that I saw.

Question. Did you see a sufficient number of persons prevented from voting on that day, to change the result of the vote of the first ward ?

Answer. I did not.

Question. Do you know whether the Reform party had an organization in the ward, and whether they appointed challengers in that ward or not ?

Answer. I think they had an organization, and did appoint some challengers.

Question. State the number of persons about the window on that day ?

Answer. The number was sometimes large, sometimes quite small, numbering from five up to a hundred, in the immediate vicinity of the window.

Question. Was it getting dark at the time the bricks were thrown, to which you have alluded ?

Answer. It was getting dark ; it was just before six o'clock ; there was one brick thrown about the middle of the day, which struck Mr. Horney.

Question. Could you identify any one that threw those bricks ?

Answer. No, sir, I could not.

Question. Were they aimed at any one, or was there a fight outside ?

Answer. There was no fight outside that witness knows of going on ; the bricks were aimed at the persons inside ; there were threats made against the judges, particularly Mr. Parrot, one of the judges, and the reason given was, that he had refused some of their votes which he believed illegal. He had refused them.

Question. Were votes supposed to be illegal rejected ?

Answer. They were in numerous instances ; no votes were taken but what were deposited in the ballot box.

Question. How long did the persons who had the weapons you speak of remain at the polls ?

Answer. I should judge from a quarter to half an hour.

Question. Were these weapons used against any one ?

Answer. Witness did not see them used against any one ; witness only saw them flourished, accompanied with a great deal of noise and outcries.

Question. At what periods of the day did you hear the persons say that the Reformers should not vote ?

Answer. I heard them at intervals throughout the entire day.

Question. Were there any Reform votes taken after those exclamations were made ?

Answer. Yes, sir, I think so.

Question. Did you see any prominent or well-known Democrats or Reformers vote through the day ?

Answer. I think I did see some few vote ; it seemed to rest entirely with the persons about the window, and some of them were allowed to vote without difficulty.

Question. Did you see any other violence than pushing and hauling ?

Answer. I did not.

Question. Did you, as clerk, sign the returns ?

Answer. I did sign them.

Question. Did you attend any of the Reform meetings ?

Answer. I did attend one or two.

Question. Was there any preparation made for arming the Reformers ?

Answer. No, sir, not the slightest ; I never heard any mention of anything of the kind ; the appointment of challengers was the only thing that I seen in the way of preparation ?

Question. Did you attend all the meetings ?

Answer. I think I did ; the last one was the one on the night previous to the election.

Question. What number of persons were present at these meetings ?

Answer. There was a small number ; there may have been twenty or thirty.

Question. Have you seen as much violence at other elections as at that one ?

Answer. I think I have ; but only during the last few years.

Question. Was any person shot at or wounded, at that ward on that day ?

Answer. Not to my knowledge.

*Cross-examination concluded.*

*Re-Examination by Messrs. Blanchard and Stockbridge.—*

Question. Did you see any illegal votes taken, or any person or persons vote more than once ?

Answer. I did see one person vote under an assumed name, and another person vote under his own name and afterwards under an assumed name—he voted twice.

Question. Was the location of the polls one favorable to having a fair election ?

Answer. That is a matter of opinion ; I should think not.

Question. How long have the polls been held in that portion of the ward ?

Answer. They were first placed there in the Fall of 1855.

Question. Were there many illegal votes offered and refused ?

Answer. There were many offered which the judges deemed illegal and refused.

*Cross-examination resumed by Mr. Krafft.*

Question. Were the votes that were taken, with the exception of the two you have mentioned, deemed legal ?

Answer. They were *deemed* legal by the judges, otherwise they would not have been received ; witness never saw judges behave more honestly and fearlessly than the three judges in that ward on that day.

Question. Do you know the man who voted under an assumed name ?

Answer. I do.

Question. Did you notify the judges at the time that the man voted under an assumed name ?

Answer. Witness did not mention to the judges about the man who voted under an assumed name, but witness did speak to the judges about the man who voted twice, and the judge directed witness to mark a cross on his name.

Question. Have you been before the Grand Jury ; have either of these men been indicted ?

Answer. No, sir.

*Cross-examination concluded.*

*Re-examination waived.*

BALTIMORE, December 5th, 1859.

The foregoing has been read to me and it is correct.

WM. S. GORTON.

Test—DANIEL E. MYERS, J. P.

JOSIAH HITCHCOCK, a witness of lawful age, produced on the part of the contestants, having been duly sworn, deposes and says :

*Examination in chief.*

Question. Are you a resident of the city of Baltimore, and a legal voter in the first ward ?

Answer. Yes, sir.

Question. How long have you been a voter in that ward ?

Answer. In the first ward about fifteen years ; in the first and second wards all my life.

Question. Did you vote at the election on the 2d of November, 1859.

Answer. No, sir; but I tried to.

Question. State fully what occurred when you went to the polls and tried to vote?

Answer. Witness walked to the polls intending to vote as usual, and a fellow came up and pushed witness one way, and another one pushed him another way, and so they went on, pushing him backwards and forwards, and crowding him, telling him he might as well go away, for he should not vote there any how; and so at last witness concluded he had better go away, as he saw no chance of getting his vote in.

Question. What time of day was that?

Answer. It was about twelve o'clock.

Question. While you were pushed about as you have described, did you or not, fall down?

Answer. Yes, sir, I was very much excited, and fell; I thought I stumbled, but others have told me that I was struck and knocked down; I was so excited, I did not feel the blow if I was struck.

Question. Had the persons who pushed you about, complete control of the access to the polls?

Answer. They had, while I was there.

Question. To what party did they belong?

Answer. Well, they called themselves Know-Nothings.

Question. Did they use any threats or intimidations toward you?

Answer. Nothing more than squaring off at me, as I was trying to get up to the polls.

Question. Did you see any one else shoved out?

Answer. No, sir; I was not there long.

Question. From what you saw, do you think any Reformer, whom they should choose to keep out, could get to the window?

Answer. No, sir, none of the Reformers could get to it without they chose to let them.

*Examinations in chief concluded.*

*Cross-examinations by Mr. Krafft.*—Question. What are your politics?

Answer. I have always voted Democratic.

Question. Have you joined the Reform Association?

Answer. No, sir.

Question. How long did you remain at the polls?

Answer. A little over half an hour, certainly not an hour; it was about twelve o'clock in the day.

Question. How many persons were about the window when you got there?

Answer. About fifteen or twenty.

Question. Did you go back to vote during the day?

Answer. No, sir; I had plenty *then*.

Question. Did you see any vote, while you were there?

Answer. Yes, sir, there were four or five came in a hack and voted; they had to vote with *them* though, and had to tell where they lived.

Question. When you say there were fifteen or twenty at the window, do you mean there was no more about there?

Answer. Oh, no, I meant only about the window; there were others about there, a right sharp crowd; about a hundred, maybe.

Question. Were any weapons used while you were present?

Answer. No, sir, I did not see one used.

Question. Did you make more than one attempt to vote?

Answer. Yes, sir, I tried three or four times.

Question. When you fell down, did you not say you thought you stumbled?

Answer. Yes, sir, I thought I stumbled.

Question. Was there any mark left about your face?

Answer. No, sir, they did not hit me with their fists much, but butted me, pushed and hauled me, split my coat open, &c.

Question. Did you see any one else struck?

Answer. No, sir.

Question. Have you not seen as much violence at the polls on other election days?

Answer. Yes, sir; I am not in the habit of staying long at the polls on election days; I have seen as much violence on other election days in the last four or five years, but never felt so much before.

Question. Have you not seen as much violence, when the fight was between Whigs and Democrats, as you saw on that day?

Answer. I have.

*Cross-examination concluded.*

*Re-examination waived.*

BALTIMORE, December 5th, 1859.

The above has been read over to me by the clerk, and is correct.

JOSIAH HITCHCOCK.

Test: DANIEL E. MYERS, J. P.

WILLIAM HUNT, a witness of lawful age, produced on the part of the contestants, having been duly sworn, deposes and says:

*Examination in chief.*

Question. Are you a legal voter of the city of Baltimore, in the first ward?

Answer. I think so; I have been living there five or six years.

Question. Were you at the polls on the 2d of November, 1859;

if so, at what hour of the day, how long did you remain, and what did you see while there?

Answer. Witness was at the polls; arrived there about a quarter before nine o'clock, before the polls opened, and remained there till half-past ten, may be eleven o'clock; just before the window opened, a party clustered around the window; one of them asked the rest for a piece of chalk; said he would write down the majority they intended to have on that day; he marked down thirteen hundred, or fifteen hundred votes; said that was a reasonable request, and they were going to have that many; just about that time the window opened; witness went up, and with great difficulty got his vote in; witness then stepped off on one side and looked on; witness saw some of the Reform men go up to vote, and they would not let them; Mr. Cockey tried two or three times to vote; he said he was stuck with an awl, and went out; witness did not see him stuck; Mr. Cockey did not vote; they had made the threats that there should not any more of these votes be put in; they told Mr. Cockey, after he had been pushed out the first time, that he might come up to vote, but when he tried, they pushed him out again.

Question. Were there any Reform challengers at the window?

Answer. No, sir; I was appointed one of them, and we went up with the intention of acting, but finding them so strong, we did not try; at the Municipal election before this, witness and two others stood at the window as Reform challengers, but they couldn't stay longer than twenty minutes, for a rush was made at witness and his associates, and they were knocked down and taken off to the watch-house.

Question. Were there any police officers in the vicinity of the polls during the time you were there?

Answer. Yes, sir, there were some standing about there, but they did not take any active part at all; they did not arrest any one that witness saw.

Question. Did you see any of the police officers make any attempt to assist persons who were prevented from voting?

Answer. No, sir; the persons who were prevented from voting stood off a little ways watching a chance to get their votes in; witness advised them to try again, and they did now and then; sometimes there would be a little excitement off from the window; and then there would be only a few around the window; but there were always some of them at the window; the fact was, they had it all their own way, there was nobody to quarrel with.

*Examination in chief concluded.*

*Cross-examination by Mr. Krafft.*—Question. What are your politics, Mr. Hunt?

Answer. I used to vote the Whig ticket; I was a Know-Nothing and used to vote with them until Mr. Swann's election,

and there witness saw so much rascality, that he would not vote the ticket any more.

Question. Had you joined the Reform Association prior to this election.

Answer. Yes, sir; I suppose so.

Question. Was it known at the polls that you would vote the Reform ticket, and did you vote it?

Answer. Yes, sir; it was known, and I did vote it.

Question. How long was it before you got your vote in?

Answer. About fifteen minutes; witness made a rush the moment the window was opening, thinking if he could get it in then he might save it, otherwise he couldn't get it in at all.

Question. Were you beaten or assailed with any weapon at the polls?

Answer. I was not.

Question. Did you see any one beaten, or any arms used by any one?

Answer. I did not see any one beaten, other than what I have said about Mr. Cockey; I did not see any arms at the polls, but after I had got home I saw a party going up to the polls with cut-off guns and flags; a short time before they had marched down from the polls with their flag, on which was written "Blood Tubs," witness thinks to their quarters, and after awhile they marched back again and took possession of the polls, and held them for awhile, as witness heard, until some dispute which witness understood they had among themselves about money had been settled, when they went away again.

Question. How long did the "Blood Tubs" remain at the polls when they came with guns, &c.?

Answer. Witness don't know he was not there, did not see them use guns against Reformers or any one else.

Question. Were any of those persons who you say were prevented from voting, struck or beaten?

Answer. No, sir, they were not struck, but the moment they came up to vote, this party would form a ring and crowd them out.

Question. How many Reformers and Democrats were there about the polls?

Answer. When the polls first opened about ten or twelve, I suppose.

Question. Do you know whether those persons who as you say were prevented from voting, afterwards got in their votes during the day?

Answer. No, except from what they told me afterwards; of my own knowledge I do not, I got disgusted and went home.

Question. How many persons, to your knowledge, were prevented from voting by violence?

Answer. While I was there some four or five, but I left them there, and do not know whether they voted or not after I left.

Question. Did you ever attend the polls during the old times between Whigs and Democrats?

Answer. Yes, sir, and always voted.

Question. Did you ever see anything in those times like this?

Answer. Witness has lived in the second and third wards, and the second ward used to be in those days a very hard one, as bad as any in the city; witness has seen a good deal of pushing, crowding, and fighting around the polls in those days, but never in his life saw anything like this at the last election; a set of men getting up and saying *that men shan't vote*; they used to get off and fight near the polls, but not right at the window.

Question. What was the majority in the first ward?

Answer. Witness don't remember, but it was not 1500 or 1300.

*Cross-examination concluded.*

*Re-examination.*—Question. Where and how was the flag of the "Blood Tubs" planted at the opening of the polls?

Answer. Across Baltimore Street; I think from the house in which the polls were held to the house across the street, by a rope.

Question. Was the state of things at the time you were at the polls such as might reasonably deter a man of ordinary firmness and courage from attempting to vote?

Answer. I believe it was; I know I have got about as much courage as the next one, and I know I went away as soon as I could get away; I was intimidated.

*Examination concluded.*

BALTIMORE, December 5, 1859.

The foregoing has been read over to me by the clerk, and is correct.

WILLIAM HUNT.

Test—DANIEL E. MYERS, J. P.

THOMAS J. RUSK, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. In what ward do you live?

Answer. The first ward.

Question. What is your occupation?

Answer. I am a butcher.

Question. Were you at the polls on the 2d day of November, 1859, if so state when, how long, and what you saw?

Answer. Witness arrived at the polls about ten minutes before the polls were opened, and was advised to leave, and did leave about half past two o'clock; there were some eight or ten of us who stood on the opposite side of the street; there was a party

at the window; the moment the windows were opened I went over and after a great deal of difficulty got in my vote; I had to push and crowd a good deal, and finally had to throw my vote to the judge rather than hand it in; in the meantime a large crowd of the "Blood Tubs" and "White Oaks," "Black Oaks," or some such club, had got together and had complete possession of the window; parties were afraid to go up to vote; now and then one would try to get up and be crowded out; a few got in their votes by creeping up along the side of the house when there was a little rush made from round the window.

Question. Did the police attempt to interfere?

Answer. They made no attempt to do anything of the kind; on the contrary, they were rather amalgamated up with the party.

Question. Did you see any blows struck?

Answer. Yes, I saw several; a man named Smith, a rather powerful man, tried to push up through the crowd and was struck a very severe blow by some man who witness thinks don't belong to Baltimore at all; the man who struck Smith went off and came back after awhile with another coat on, a light one; before he had on a dark coat, when he struck Smith; the most brutal treatment witness ever saw in his life was inflicted on a man who was sitting on a bench on the opposite side of the street, facing the polls; a party came across from the polls and presented a Know-Nothing ticket to him and demanded of him to go and vote it; he said he wouldn't vote it, that he had already voted in the third ward; they repeated several times, that he had better go and vote it; he refused, and in the meantime one of the party had set down alongside of the man, and said to him that he had *blowed*, he said he had'nt, and with that the fellow alongside of him struck him with something (it could not have been his fist, it sounded too hard,) right in the face; as he fell over, the fellow holding the ticket kicked him in the face, and from the sound witness thought it wasn't a fair boot, there must have been something on the end of it, and they continued kicking him in the side, and the others beating him over the face; the one who held the ticket pulled out from under his own coat a horse-pistol, or blunderbuss, put it to the man's back and used the observation, "I'll put him through;" with that a police officer rushed up and said, "I'll be God damned if I can stand that," and grabbed the man with the pistol, and the police officer struggled together; finally the officer got it and fired it in the air; the officer made no effort to arrest him, and the fellow followed him about asking for his pistol; no other police officer interfered to protect the man who was getting beaten; there was an old gentleman rushed up and seized a young man, and the police officers called to him to let him go, but the old man wouldn't, unless the police officers would take him to the station-house, which witness believes the officers refused to do; witness understood that the young man was the old one's son.

Question. Did you see any other weapons used that day?

Answer. Yes, I saw about forty or fifty; the "Blood Tubs" having some difficulty with some of their own party, struck their flag and marched away from the polls, were gone some time, about half an hour, and marched back with guns, drums, and arms of one sort or other, and stopped at a house adjoining the polls, and held a parley with their party at the polls for some five minutes; they then made a rush for the polls and apparently took possession of them, and then the other part of their own party and the police officers all got amalgamated up together, and then after awhile the guns were taken away and put away, as witness was told, in Pappler's pack-house, right alongside of the polls.

Question. State to which political party the men around the polls, "Blood Tubs," and other clubs to whom you allude, belong?

Answer. To the Know-Nothing or American party, all of them.

Question. Did you hear them say or cry out about letting or not letting the Reformers vote?

Answer. Yes, sir; every now and then they would cry out, "No more Reformers can vote;" witness heard this some twenty times while at the polls.

Question. From what you saw is it your opinion that it would have been after ten o'clock a dangerous thing for any person to attempt to vote at the polls of the first ward on that day.

Answer. Yes, sir, I think it was dangerous; the fact was no one could vote except those who were allowed to vote by the parties at the window; very few attempted to vote, some did get in their votes by creeping in along the wall, those who made the greatest efforts to get through were crowded, struck, and pushed out; the fact is they were deterred from voting; witness himself knew some forty or fifty persons who wanted to vote and who applied to witness before the election, and witness promised to let them know if there was any opportunity for them to vote, and witness seeing how things were going, sent them word that it would be dangerous for them to attempt to vote; these persons were witness's neighbors and most of them property holders.

Question. When the party with the muskets came to the window, and as you say the police became amalgamated with them, did the police make any effort to arrest any of them?

Answer. No, sir; I did not see any effort made to arrest any of them; the police and they were all amalgamated together pulling and hauling and after a while the difficulty, whatever it was, was made up, and then the guns were carried off.

*Cross-examination by Mr. Krafft.*

Question. What ticket did you vote on that day?

Answer. The Reform ticket.

Question. Was it generally known about the polls that you had voted the Reform ticket?

Answer. I did not tell anybody, but suppose that it was generally known.

Question. Were you beaten or molested in any way during the four or five hours you remained around there?

Answer. No, sir; but some of their party came to my friends and advised me to leave or I would be beaten, and so I left about half-past two.

Question. How many Reformers or persons who voted with you were at the polls at any one time that day?

Answer. I should not suppose at any one time that there were more than about twenty; the fact is they were deterred from coming.

Question. Can you give the number of persons who were prevented at the polls to your knowledge, from voting?

Answer. I should suppose there were about twenty, actually pushed out, and prevented from voting, but a great many others who came up, seeing what it was, would not make the attempt to get through; an old man, Mr. Cole, attempted to get up to the window, and witness assisted him, but they pushed him out, trod upon another man's toes, which was perfect torture to him, and he was obliged to go away.

Question. Do you know of your own knowledge, whether any of those thus prevented from voting, afterwards voted or not?

Answer. No, I do not; I went away; I suppose they did not.

Question. Did you see any weapons used to deter persons from voting on that day?

Answer. No; I saw no weapons, other than what I have said, and no further than that; I call a fist a pretty good weapon.

Question. When the "Blood Tubs" carried away the guns, &c., did they bring them back again?

Answer. Witness left shortly afterwards, and did not see the guns afterwards at the polls.

Question. Did you see any weapons at all used, other than the pistol placed at the man's back, of which you have spoken?

Answer. No, sir.

Question. Can you say how many persons were struck, while you were at the polls?

Answer. Well, I may say, I saw some five or six, seven may be; the persons were so deterred, that they did not come up to the polls to be struck.

Question. Did any of those forty or fifty persons, to whom you say you promised you would send word about their voting, come to the polls and attempt to vote at all?

Answer. No; I don't think any of them at all, attempted to vote.

Question. Did you see any one badly beaten, except the man on the ground whom you have mentioned?

Answer. I did not see any one else badly beaten; Mr. Smith, was struck one very tremendous blow, and others were struck, but none badly.

*Cross-examination closed.*

*Re-examination waived.*

BALTIMORE, December 5, 1859.

The above has been read to me by the clerk, and is correct.

THOMAS J. RUSK.

Test—DANIEL E. MYERS, J. P.

Adjourned to Tuesday, December 6, 1859.

TUESDAY, December 6, 1859.

WILLIAM H. SMITH, a witness of lawful age, produced on the part of the contestants, having been duly sworn, deposes and says:

*Examination in chief.*

Question. Are you a resident of the city of Baltimore, and a legal voter in the first ward?

Answer. I am, sir.

Question. Did you vote at the last election, on the 2d day of November, 1859; and if not, why not?

Answer. I did not; they would not let me.

Question. State fully all that occurred when you attempted to vote?

Answer. Witness went up to the first ward polls, with the intention of voting; when I got there they shoved me out, and would not let me get up to the window; I undertook to go up the second time, and as I got up to the curb-stone, a fellow said, "let me taste the son of a bitch," and hit me on the side of the head, and knocked blood out of both my ears; then I walked off with some of my friends, who persuaded me to go away, saying that I had better go, that they were down on me, and I went away to my business.

Question. What ticket did you design to vote?

Answer. The Reform ticket, out and out.

Question. Had the party who prevented you from voting, complete possession of the polls?

Answer. The party had.

Question. With what political party were they connected?

Answer. The Know-Nothing party.

Question. About what hour of the day was this?

Answer. About ten, or eleven o'clock.

Question. Was the state of things at the polls, such as might reasonably have deterred a man of ordinary firmness and courage, from attempting to vote?

Answer. It was.

Question. Did the police make any attempt to protect you, or to secure you an opportunity to vote?

Answer. There wasn't one to be found; I looked around for one to arrest the man for striking me.

*Examination in chief closed.*

*Cross-examination by Mr. Krafft.*—Question. Had you joined the Reform Association, Mr. Smith?

Answer. No, sir.

Question. What were your politics previously?

Answer. Always voted the Democratic ticket, previously.

Question. Have you always voted in that ward, sir?

Answer. No, sir.

Question. In what other wards have you voted before?

Answer. In the third, and first wards, I have voted.

Question. How many persons were there at the polls, when you were there?

Answer. Not many; can't say exactly, how many; but there was enough of them, that were there.

Question. Were there a number of Reformers there, too?

Answer. Well, sir, I didn't see more than eight or ten, that I knew to be Reformers.

Question. How long did you remain at the polls?

Answer. Not over fifteen minutes.

Question. Did you go back again there that day, to vote?

Answer. No, sir; I have not been back there since.

Question. Did you receive more than one blow?

Answer. No, sir, that was all, but that was a pretty good one.

Question. Did you see any one else struck, or any other disturbance while you were at the polls?

Answer. Not while I was there.

Question. Did you see any arms used, pistols fired, or weapons at all, about the polls?

Answer. Not while I was there, I didn't.

Question. Have you never at any other elections, within fifteen years at that ward, seen as much disturbance, as you saw on that day at the polls?

Answer. I stayed longer on other election days, at the polls, than on that day, and have then seen more disturbance than I did during the short time I was there on that day.

Question. Have you seen other persons, at other elections, as badly beaten, as you on that day were?

Answer. Oh, yes, I have, worse beaten; mine was not very bad, but enough for me, plenty.

*Cross-examination concluded.*

*Re-examination waived.*

BALTIMORE, December 6, 1859.

The foregoing deposition has been read over to me, is correct, and I do sign the same as such. WM. H. SMITH.

Test—DANIEL E. MYERS, J. P.

ELIJAH STANSBURY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Are you an ex-Mayor of the city of Baltimore, and a legal voter in the second ward?

Answer. Yes, sir.

Question. Where were the polls of that ward held on November 2d, 1859?

Answer. They were held in Eastern Avenue, at a point generally and familiarly known as the Causeway.

Question. What was the character and reputation of that part of the city, or ward, where the polls were held?

Answer. It is not good; there is a considerable number of groggeries and of houses of bad repute, or ill-fame, in that neighborhood.

Question. Was the location one favorable to a fair and free election, or otherwise?

Answer. The location is a central one, I think, and there is plenty of room for all the voters, if there were no hindrance on the part of the persons having possession of the polls; there could be no other objection to the location, other than the persons who took possession of the polls, excluded several who didn't vote their ticket.

Question. Were you at the polls on the day of election; if so, at what hour?

Answer. I arrived at the polls about quarter after nine o'clock, and shortly after voted without any hindrance at all; I remained there but a very short time, having a sore foot, so that I could not stand more than three-quarters of an hour, and I had to leave.

Question. Were the polls open and free at the time you were there, or were they in the possession of any party, and if so, of what party?

Answer. They were in possession of the American party, as they called themselves, at the time I arrived there, and continued so all the time I was there.

Question. Were there any challengers or ticket-holders of the Reform party tolerated in the vicinity of the polls while you were there, by the parties having possession of the polls?

Answer. There were no challengers on the part of the Reform party, for the reason that no persons could be found to act as such, in consequence of the violent treatment received previously, by persons in that position.

Question. Did you see any measures of violence, or intimidation practised at the polls toward any persons?

Answer. While I was there, I saw two or three naturalized citizens, who were not permitted to go up to the window at all; there was a fence or barricade, with the ends open; the fence was so high that it couldn't be seen over at all, and these persons were not allowed to enter the gangway at all; in one other case that I know more about, a young man, named Wm. J. Collins, whom I knew very well, went up to vote, and as he passed up they handed him an American ticket, and made no objection or difficulty to his passing in: but finding out some how, that he wasn't going to vote that ticket, they hustled him out with considerable violence, though no blow was struck, and wouldn't let him vote at all.

Question. Did he vote?

Answer. No, he did not.

Question. With the state of things existing at those polls, was it possible that the vote should be a fair and honest expression of the will of the voters?

Answer. I should certainly say by no means, for the reasons which I have mentioned.

*Cross-examination by Mr. Krafft.*

Question. What ticket did you vote on that day?

Answer. I voted the Reform ticket.

Question. Did you say that you had no difficulty at all in voting?

Answer. None at all; not on that occasion.

Question. Was it known at the polls that you voted the Reform ticket?

Answer. I judge it was known; I am known not to be one of the American party, therefore, I should judge they drew that conclusion.

Question. Did you remain in the immediate vicinity of the polls after voting?

Answer. I was there about three-quarters of an hour altogether, some twenty minutes after voting.

Question. Did any one assault you or intimidate you, or attempt to drive you from the polls?

Answer. Not at the last election, sir.

Question. Did you see any firearms used or exposed on that day at the polls?

Answer. No, sir.

Question. Did you see any one beaten badly at the polls that day?

Answer. No, sir.

Question. How many persons were struck there at all while you were there?

Answer. I did not see a blow struck.

Question. Do you know of your own knowledge that those two persons who were prevented from voting were entitled to vote in that ward?

Answer. I do not, sir.

Question. Do you know whether Mr. Collins went back to your own knowledge to vote?

Answer. I don't know, but I don't think he did; I don't know, for I was not there.

Question. Was Mr. Collins the only person whom you knew to be entitled to vote, prevented from voting, while you were there?

Answer. That was all, sir.

Question. Had the Reform Association any organization in that ward?

Answer. No, sir, the party opposed to the dominant party, the American party, was afraid to have any organization, when they tried it some years ago, they were instantly broken up.

Question. Were there any challengers at all appointed to your knowledge?

Answer. No, sir; I don't think they were, for they were afraid to assume the ground.

Question. How many persons were at the polls while you were there?

Answer. Around the polls immediately there were about twenty, no crowd, but just enough to keep possession of the polls, and allow those to vote whom they pleased, and exclude whom they pleased. On the opposite side of the street there were thirty or forty, and the corners of the street above and below, gangs amounting to say, a hundred, or a hundred and fifty.

Question. What ticket did you vote before this election?

Answer. Universally the Democratic ticket, until this Reform Association was gotten up, and then I called myself a thorough Reformer.

Question. What wards did you usually vote in?

Answer. I have lived in the house I now live in since 1820, and since I have been living there, I have voted in the fourth, fifth, and second wards, according to the various changes of the wards.

Question. What was the usual Democratic majority in the second ward?

Answer. It vacillated from 450 to 650, and I think it is that now.

Question. What the usual number of Whig votes polled in that ward?

Answer. I think there was about 1300 or 1400 votes in the ward, and the Democratic majority I have stated; the great body of the voters in that ward are Germans, and the present party has driven them all away from the polls.

Question. Have you ever seen as much violence at the polls at any prior election, say between Whigs and Democrats, as on that day?

Answer. No, sir; I have seen more crowding and pushing about at times, but never seen, until the present dominant party came in power, a disposition to keep the opposite party altogether from the polls as they do now.

Question. Did you never see any person struck or beaten, before the present parties came into existence at the polls?

Answer. Oh! I have seen fights at the polls.

Question. What was your majority in that ward when you were elected Mayor?

Answer. Indeed I do not remember, some four or five hundred.

Question. Have you never seen any arms used by parties at the polls before these present parties came up?

Answer. No, sir; I never have.

Question. Have you heard of the existence in former times of the Empire Club in Baltimore?

Answer. Yes, sir, I have heard of it; I know nothing of it, but I believe there was such a club.

Question. Do you know to which political party that club belonged?

Answer. To the Democratic party, I believe; I know nothing of it except by reputation.

Question. Do you know whether the members of that club practised any violence at the polls?

Answer. I never heard of it; I have heard of the existence of the club, but not of any violence practised by them.

Further examination on both sides waived.

BALTIMORE, December 6, 1859.

The foregoing has been read over to me by the clerk, and is correct.

ELIJAH STANSBURY.

Test—DANIEL E. MYERS, J. P.

Mr. JAMES LLEWELLIN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Are you a legal voter of the first ward of the city of Baltimore?

Answer. I am, sir.

Question. Were you at the polls on the 2d of November, 1859?

Answer. I was, sir.

Question. State what you heard and what you experienced while there.

Answer. I arrived on the ground about twelve o'clock for the purpose of voting; got a ticket and made an effort to get to the

window and vote it, and was crowded out ; I stopped a few moments, waiting for a chance to vote, and one of the friends of the opposite party came up to vote, and they cleared the way for him to vote, and as he turned his back I thought it was a good chance, and stepped in and handed my ticket to Mr. Horney, one of the judges, and as I called out my name I was struck by a young man at the window, and from that there was a rush made, and three or four persons struck and kicked me, and then they got me out of the crowd, and I was ordered to leave the ground by some parties, and by the assistance of some friends I left.

Question. What ticket did you vote, and to what party did the persons belong who assaulted you ?

Answer. I voted the Reform ticket, and they belonged to the American party, and rallied under the name of "Blood Tubs."

Question. Do you know whether any persons were intimidated and prevented from voting by the violence inflicted on you ?

Answer. Nothing more than what I heard some of them say, who advised me to leave, and got me out.

Question. Did the police make any effort to protect you, or to arrest the parties who assaulted you ?

Answer. No, sir, they did not ; in fact, I do not remember whether there was a police on the ground or not.

### *Cross-examination.*

Question. What were your politics prior to this election ?

Answer. I generally voted the Democratic ticket, sir.

Question. How long were you at the polls before you voted ?

Answer. Not more than twenty minutes, I was not at the polls over half an hour.

Question. How long did you remain after you voted ?

Answer. After I crawled out of the crowd they took me to the edge of the hill, and ordered me to leave ; I did not stay more than a half hour altogether on the ground.

Question. Who led you out to the edge of the hill ?

Answer. One of the American party ; and he had the impudence to tell me, that being an old man, I ought to have known better than attempt to vote the Reform ticket.

Question. Did you see any one else struck or beaten while you were there ?

Answer. No, sir, I did not ; when I arrived on the hill there was no one there to molest only among themselves.

Question. Were any firearms used or displayed ?

Answer. I saw no arms at all.

Question. Did you join the Reform Association in that ward ?

Answer. We had no organization at all ; I attended one of their meetings.

Examination closed on both sides.

BALTIMORE, December 6, 1859.

The foregoing has been read over to me by the clerk, and is correct.

JAMES LLEWELLIN.

Test—DANIEL E. MYERS, J. P.

WILLIAM STETTER, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Are you a German, residing in the fourth ward of the city ?

Answer. Yes, sir.

Question. On the second of November, 1859, did you vote in the second ward of Baltimore city, and if so, what ticket, and under what circumstances ?

Answer. I was standing before my house, at the corner of Exeter and Bank Streets, and was talking to a neighbor, and there was a crowd coming of about twenty men ; every one had a gun on his shoulder, and two police were ahead of them ; when they came there where I was standing, one of the fellows touched me by the arm, and said to me to "come along and vote ;" I told him I don't belong down there, and can't vote ; then he said I had to go, pushed me along ; I was hollering to the two polices ; one of them turned around, looked at me, and said it's all one what I vote, and so I went along down to the second ward ; they didn't hurt me at all, while I was going down ; then I came to the polls that fellow what grabbed me, he gave me some tickets rolled up ; the tickets was striped, and I think it was American tickets ; the judge he was asking me for my name, and that fellow what took me down, he said to the judge, that he knew me very well, and he said that I lived in the second ward ; so I went away from the polls, and I was looking at some polices or officers ; there was a good many standing about, but then not one of them had his number on ; then I went home.

Question. Was your vote taken and put in the box, by the judge ?

Answer. Yes, sir.

Question. Did you wish to vote ?

Answer. No, sir.

Question. Did you make all the resistance you dared to do ?

Answer. Yes, sir.

Question. Are you a legal voter at all ?

Answer. No, sir ; I havn't got a second paper yet.

Question. Did you see other arms about the polls, besides those in the hands of the crowd with you ?

Answer. No, sir.

Question. Did you see other persons compelled to vote ?

Answer. I saw one other, the same time I was, by the same crowd.

*Cross-examination by Mr. Krafft.*

Question. State all the man said, who touched you on the arm?

Answer. He told me to "come along and vote;" I told him, I don't belong down there; then he said, I'd got to go along; got to vote; that was all.

Question. Did the man strike you, point a weapon at you, or drag you?

Answer. No, sir.

Question. Did he tell you he would shoot you, if you didn't go?

Answer. There was some ten to fifteen, or twenty around me; one seized me, and told me I'd have to go along, and I said I didn't belong down there, and then another one, he said, "If you don't go along, I'll shoot you."

Question. How far did you walk with them?

Answer. Nearly five squares.

Question. Did they strike, or beat you?

Answer. No, sir, nothing of the kind.

Question. When they handed you the ticket, did you open and read it?

Answer. No, sir; they folded it up, but I seen it was a striped ticket.

Question. You didn't read it?

Answer. No, sir; I had no time to read it.

Question. Did you tell the judge your name?

Answer. Yes, sir; I told him my name, but then the little fellow who took me there, he said, never mind, I know him.

Question. Did you tell the judge that you lived in the fourth ward, and had no right to vote in the second?

Answer. No, sir, I didn't tell him.

Question. How long did you stay at the polls?

Answer. About a quarter of an hour.

Question. Was there a large crowd about the polls?

Answer. Yes, sir; all the way to Wilkes Street.

Question. Was there any rioting, or fighting at the polls, while you were there?

Answer. No, sir.

Question. What was the name of the person, who you say was forced to vote?

Answer. I don't know his name.

Question. Did you see any one else beside him compelled to vote?

Answer. No, sir.

Examination closed on both sides.

BALTIMORE, December 6, 1859.

The foregoing has been read over to me by the clerk, and is correct.

WILLIAM STETTER.

Test—DANIEL E. MYERS, J. P.

WILLIAM BARTLETT, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Are you a legal voter in the first ward of Baltimore city ?

Answer. Yes, sir, and have been for about thirty-five years.

Question. Did you vote in the second ward, on November 2, 1859.

Answer. Yes, sir.

Question. State fully the circumstances under which you voted in the second ward.

Answer. Monday evening before the election witness was on Smith's Dock, and came down in Fleet Street to Eden and Ali-ceanna Sts., and was crossing the lot, when three fellows came up behind me, wheeled me round and asked me, "Where you going you drunken son of a bitch?" I said "I was going home," and that "I was no more drunk than they were;" one of them says to me, "You have got to go along with us," and two of them caught me by the collar, one on each side, and I tried to get loose and jerked them off, one fell on one side and the other on the other side; the other fellow jerked out his blunderbuss and says to me, "You have said enough now, say any more and I'll blow your damned brains out;" one of the fellows jumped up and struck me over the nose, then two of them took hold of me and took me across two or three lots there till they got me to Wilkes Street, and there they carried me through a house along a passage way, and shoved me down into a cellar; they kept me there till Wednesday about 12 o'clock before they let me out; the captain of the coop took me out with five men, put them in a room up-stairs and took me out private and asked me what ward I belonged to; I told him "The first ward, I don't belong to this ward;" then he called one of his men and whispered to him, then told him to carry me round by Caroline Street into Wilkes Street, so that people should not suspicion that I had been in the coop; after that I came out, I looked around to see if there was any police about the ward polls; there was none there; so the fellow said to me, "Come along, you have got to vote;" then he took me up to the window, and the judge, I believe, asked me my name, but the fellow with me said, "I know his name, it's all right." "Give up your ticket," says he to me; so I gave it up to the judge and came away.

Question. Were there besides you others in the coop, and if so, how many?

Answer. There were, as near as I can come to it, one hundred and fifty to one hundred and seventy-five (150 to 175).

Question. Did you see any of the others from the coop compelled to vote?

Answer. I didn't see no more than that some had been out and brought back to the coop.

Question. Did you dare to make more resistance to voting than you did make?

Answer. No, sir, I did not; if I had I should have been knocked down, so I had to go up with a good will and vote.

Question. How near was this coop to the polls of the second ward?

Answer. Right across the street from the polls.

*Cross-examined.*

Question. How many persons were in the room of the coop where you were?

Answer. About sixty, sir; and there was about sixty in the cellar.

Question. How many of them do you know now to vote, name?

Answer. I don't know any of them.

Question. Do you know whether any of them were compelled to go there?

Answer. I do not.

Question. Was it a pretty merry party?

Answer. Yes, sir, it was a pretty merry party; the fellows had blunderbusses and guns, and now and then they would come in and trip one up and kick him in the mouth.

Question. Well, did these 150 people make any effort to get out?

Answer. No, sir, they were very quiet; there was some old men of 50 and 60 years of age, and some right genteel-looking young men too, and all sorts of people mixed up there.

Question. How many persons did you see in charge of that house?

Answer. About five or six.

Question. How many went with you up to the polls?

Answer. Three, sir.

Question. How many persons were about the window when you went up there?

Answer. Some thirty or forty; it was very peaceable when I got there; there was a kind of fence, and you went in one side and came out the other.

Question. Did you tell the judge that you had been imprisoned, and were not entitled to vote in that ward?

Answer. No, sir, I didn't have a chance to tell him ; they marched me up and right through, without giving me a chance to speak.

Question. Were there any weapons used at the polls while you were there ?

Answer. No, sir, not that I saw.

Question. Did you see any one else compelled to vote while you were at the polls ?

Answer. No, sir ; I was taken out privately.

Question. Do you know of your own knowledge where the persons in the coop belonged, or were entitled to vote ?

Answer. No, sir.

Question. Did you see any violence at all, at the polls, while you were there ?

Answer. No, sir ; I was there but a short time, not over two minutes after I voted.

*Cross-examination closed.*

*Re-examination.*—Question. Are you an American by birth ?

Answer. Yes, sir ; I was born out in Baltimore County, near Col. Howard's farm, in 1799.

Question. Were you searched for arms, when you were put in ?

Answer. Yes, sir, they searched me the moment they got hold of me, and they took seventy-five cents away from me, and some lemons I had with me ; I had no arms at all about me.

Question. Do you know where the headquarters of the "Rough Skin Club" are ?

Answer. It is the corner of Caroline and Wilkes Streets, three doors from the coop, and almost opposite to the polls.

BALTIMORE, December 6, 1859.

The foregoing has been read to me by the clerk, and it is correct.

WILLIAM <sup>his</sup> ~~X~~ BARTLETT.  
mark.

Test—DANIEL E. MYERS, J. P.

JOHN C. KRANTZ, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Are you a legal voter in the second ward of this city ?

Answer. Yes, sir.

Question. Did you vote on the 2d day of November, 1859 ?

Answer. I did not.

Question. Why not?

Answer. They wouldn't let me vote.

Question. You tried to?

Answer. Yes, sir, I tried.

Question. Was any violence used towards you, or did you see any used toward others, in the vicinity of the polls, that day?

Answer. When I was standing on the corner of Dallas Street and Eastern Avenue, about fifteen feet from the window, Mr. Martin Weizel, who was along with me, and standing along side of me, was struck by a rowdy with a large cane, on the head, and received several blows on his eye and mouth, &c.; they went to hit me too, but I run out in the street and lift up Mr. Weizel, and run off with him; there was about twenty rowdies had possession of the window, behind the fence, and they asked every one for his ticket; and if it was not a Know-Nothing ticket, they wouldn't let him get to the window at all; they pushed him away, and he could not get in; there was no fighting, but the party was too small—I mean the Reform party—to do anything at all; I saw a gang of rowdies took six coal-workers, with their shovels on their shoulders, on the corner of Caroline Street and Eastern Avenue, who were on their way home, and told them they would have to go along and vote the American ticket; I heard one of the men say, "he was no citizen;" another one said that "he did not live in the ward;" one of the rowdies told them, "that didn't make any difference, and he hadn't a word to say about it, just to go and vote;" I saw, also, about a hundred men being taken out of Rough Skin Hall; all kinds and sorts of men; old and young, Germans, Irish, &c.; about three, four, or five, at a time, and made them to vote the Know-Nothing ticket; some they let run off, some took back again, and brought them out again, and made them vote again; I saw no firearms in the morning before twelve o'clock, but from two to five o'clock in the evening, firearms was carried freely on the street; the rowdies wouldn't let voters go further than Caroline Street, so they couldn't get to the polls at all, but were scared off by the firearms.

Question. How near were the polls to Rough Skin Hall, as you call it?

Answer. Not more than a hundred feet.

Question. Were the polls in musket range of the windows of Rough Skin Hall, so as to command them?

Answer. Yes, sir.

Question. Was it possible, that there should be a fair and honest vote at the polls, on that day, at that ward?

Answer. No, sir.

Question. Are there many Germans residing in that ward?

Answer. Yes, sir, a good many.

Question. Was there among them a general feeling of alarm and fear about approaching the polls?

Answer. Yes, sir, there was; the Germans were afraid to go to those polls.

*Examination in chief closed.*

*Cross-examination by Mr. Krafft.*—Question. How long were you at the polls, on that day?

Answer. Pretty much all day; that is, until two o'clock, when the firearms were carried about the street, and then I couldn't get any nearer than Caroline Street, about one square from the polls, from where I could see the polls.

Question. Are you a German?

Answer. Yes, sir.

Question. Was it known generally about the polls, that you were a German?

Answer. No, sir; I think not.

Question. How long have you lived in that ward?

Answer. About a year and a half.

Question. Did you go up to the window, when you tried to vote?

Answer. I went up to the window close by, and they asked me for my ticket; I told them I had got my ticket, and it was no use to show it to them; then they said that I can't vote, and pushed me out.

Question. Did they ask for your papers, at the polls?

Answer. No, sir; I wasn't near enough to the window; they would not let me get in.

Question. After you attempted to vote, how long did you remain at the polls?

Answer. I remained there about a quarter of an hour.

Question. What time was it that you attempted to vote?

Answer. About ten o'clock.

Question. Did you not say just now that you remained at the polls until two o'clock?

Answer. Yes, I went away and then back again, off and on until two o'clock.

Question. Were any arms used against you on that day?

Answer. No, sir.

Question. Do you know who those five or six persons were who were taken up to the polls and voted?

Answer. No sir, I do not; they were Germans.

Question. Do you know of your own knowledge whether or not they were entitled to vote?

Answer. No, sir, I do not.

Question. Do you know who those persons were who were taken out of Rough Skin Hall, and whether or not they were entitled to vote?

Answer. No sir, I do not.

Question. How many of the opposite party, the Reformers, were at the polls that day, that you saw?

Answer. When I first went there about a dozen were standing on the corner where I was and where the man Weizel was struck.

Question. Were you struck or beaten on that day?

Answer. No sir; they went to strike me, but I ran off.

Question. Did you never see more than a dozen Reformers there at a time?

Answer. No sir; and after that man was struck they went off too, saying they were afraid they would be struck too.

Question. You say Mr. Weizel was the only one you saw struck?

Answer. Yes, sir.

Cross-examination closed.

### *Re-examination.*

Question. How long have you lived in that neighborhood?

Answer. About twelve years; I formerly kept a grocery store on the corner of Bank and Eden Streets, right near the second ward; about ten years ago I lived in the second ward for some two years.

Question. Are you extensively acquainted in that part of the city?

Answer. Yes, sir.

Examination on both sides closed.

BALTIMORE, December 6, 1859.

The foregoing has been read over to me by the clerk, and is correct.

JOHN C. KRANTZ.

Test—DANIEL E. MYERS, J. P.

FREDERICK C. MEYER, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

### *Examination in chief.*

Question. Are you an American by birth, a resident of the second ward, and a legal voter there?

Answer. Yes, sir; I have resided in the second ward eleven or twelve years.

Question. Did you vote on the 2d day of November, 1859?

Answer. No, sir.

Question. Why not?

Answer. I went to the polls to vote with my ticket in hand; some six or seven came in front of me, stopping the gangway, and wanted to see my ticket; I would not show it, and they

handed me an open American ticket, and said that if I did not vote that I could not vote at all; I tried to make my way through them and was shoved back, and went to the police officers on the other side of the street, officer Eaton and a red-nose policeman, whose name I don't know; knowing officer Eaton, I called on him to protect me, to see that I voted; his reply was, he had nothing at all to do with it; I called on the red-nose officer, and he said, "if I would get a warrant he would arrest the party;" I went back to the polls with the intention of voting, and the parties at the polls offered me an American ticket to vote and said, "Why don't you vote a white man's ticket?" and one of the party above me, on the platform at the polls, some four or five feet from the window, butted me in the face with his head, knocking me from the polls to the other side of Dallas Street, knocking one of my front teeth out, or so that it hung down loose and it had to be taken out afterwards, making the blood fly from my mouth; and I found it was no use to attempt to vote, if I did I would probably lose my life; and I left the polls and returned there no more.

Question. Did you see any persons taken to the polls by violence that day?

Answer. Yes, sir, I did; I saw some two or three of those Rough Skins come down Caroline Street and went to Chapman's glass-house, two or three squares from the polls; some two or three stood in front of the glass-house, some six or seven came down Eden Street and joined the party in front of the glass-house, and then all rushed in the glass-house; a short time after they went in I heard the report of a pistol, then I saw them come out, four of them each, two of the Rough Skins having one of the workmen by the collar, brought them up Lancaster Street to Caroline, then up towards the polls.

Question. Was it possible under the existing circumstances, as you saw them, to have a fair and honest election at that ward on the 2d day of November, 1859?

Answer. No, sir, it was not possible to have a fair election.

Question. What have been your politics heretofore?

Answer. I was an American formerly, always voted that ticket until the two last elections; I never was a Democrat; sometimes have voted for a candidate of the Democratic party when he was a particular friend of mine.

Question. Have you known on any previous election, as much violence and disorder as existed at this election?

Answer. At the polls I saw no disorder; but away from the polls, gangs of ruffians, or "Rough Skins," prowled about, three or four together, with clubs in their hands, hunting up voters and taking them up to the polls; the Rough Skins had complete possession of the polls, and there was no disorder there, I mean, because there was no opposition made to them, nor possible, under the circumstances, by the opposite party.

Question. Did you see any attempt on the part of the police to check this state of things?

Answer. There was no disposition on the part of the police to protect or assist voters, or to arrest rowdies.

*Cross-examination waived.*

BALTIMORE, December 6, 1859.

The foregoing has been read over to me, and it is correct.

F. C. MEYER.

Test—DANIEL E. MYERS, J. P.

STEPHEN D. WELLSLAGER, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Are you an American by birth, and a legal voter in the second ward?

Answer. Yes, sir.

Question. How long have you resided in that part of the city?

Answer. About thirty-four to thirty-six years.

Question. Did you vote at the election on the 2d day of November, 1859?

Answer. Yes, sir.

Question. Where were the polls held?

Answer. Corner of Dallas Street and Eastern Avenue.

Question. Was it a proper place for holding the polls, and if not, why not?

Answer. The place is central enough, but I think they might have selected a better place; the Causeway has always had a hard name; that is the only objection to it.

Question. Is it a place where riotous and disorderly persons congregate?

Answer. Yes, sir; it is right in the neighborhood of the Rough Skins, whose headquarters are right by the polls.

Question. How long were you at the polls on the day of election?

Answer. Not more than five or ten minutes, at farthest.

Question. State what you saw, of violence, disorder, or intimidation of voters, if any?

Answer. I was standing there, talking to some two or three Reformers, and there was a man standing close by got struck over the head; it was Mr. Weizel, I believe; after this man got struck, the Reformer's left, and I with them.

Question. Was the state of things at the polls such as might reasonably intimidate and deter a man of ordinary firmness and courage, from attempting to vote.

Answer. Not at the time I was there; I voted, and several others after me; it was about a quarter to ten o'clock when I voted.

Question. Have you ever seen such a state of disorder, intimidation so prevalent at any former election, as at this of the 2d of November, 1859?

Answer. No, sir, I never have; people that is voters were afraid to go up to the polls at all.

*Cross-examination waived.*

BALTIMORE, December 6, 1859.

The foregoing has been read to me by the clerk, and is correct.

STEPHEN D. WELLSLAGER.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 7, 1859.

WEDNESDAY, December 7, 1859—9 o'clock.

ARCHIBALD B. REDMOND, a witness of lawful age, produced on the part of the contestants, being by me duly sworn, deposes and says:

Question. What ward do you reside in?

Answer. Second ward.

Question. Did you go to the polls on the first Wednesday of November, 1859?

Answer. Yes, sir.

Question. What occurred there?

Answer. I went there for to vote; there were three tickets placed under my door the night before, and I didn't think they were the tickets I wished to vote, and I went down and stopped at Mr. Thomas's, right opposite the polls; I showed him my ticket, and he said it was not the regular Reform ticket, and he gave me another which was, and folded it up for me, and I held it in my hand in my pocket, and walked up to the polls; several of the party that were at the window, asked me to take a ticket, and I told them I had one; the ticket offered me was the opposite one to that which I intended to vote; then I made an effort to get up to the window, and they crowded together in front of me, and then they opened a little; some four or five got before me, and some five to ten behind me: then a man he throwed up his ticket in front of me, and a fellow behind me he tripped me, and the one in front of me, as I staggered, hit me with his fist; it was so crowded he didn't get a fair crack at me; after he struck me, I saw then, as I thought, there was no chance for me

to vote, and so I backed out of the crowd; as the fellow was tripping me, he said to me, "damn it, don't tread on my toes;" and then the one in front of me slammed me aside of the head.

Question. Was there any thing else?

Answer. I backed out of the crowd and went across the street, and stood there some few minutes, and this man that struck me came deliberately from the polls, and came up to me, says he, "what are you going to do about it?" says I, I am going to do nothing about it, but I should like to get my vote; I have always voted; he allowed, says he, "you go away from the polls, if you intermeddle or interfere in any way about the polls," says he, "I'll put a ball through you." Well, I thought, I seen several gentlemen standing at the corner, who all seemed afraid to open their mouths, and thinking that I should probably be killed instantly or get crippled for life, I seeing that I had no chance to get my vote in, I thought it best to go away, and I did go; the fellow said to me too, when he came over to me, as I have stated, says he, "you never voted anything but a black man's ticket anyhow;" says I, "well, I always endeavor to vote a *freeman's* ticket."

*Cross-examination by Mr. Ing.*

Question. What time were you at the polls?

Answer. I should say, between nine and ten.

Question. How long did you remain?

Answer. About twenty minutes, can't be positive, but it was a short time.

Question. That was the whole time?

Answer. Yes, sir, that was all.

Question. Did you in any manner, appeal to the judges to receive your vote, or to assist you in getting in your ballot?

Answer. I couldn't get up to the judges; they wouldn't let me get near to the window.

Question. How close were you at any one time, to the judges?

Answer. I should judge within two paces of the window; I was inside the boarding; they wouldn't let me get any closer.

Question. Did you invoke the assistance of your neighbors and friends?

Answer. No. I didn't think it worth while; I didn't see that I had any neighbors round there in particular, or friends.

Question. You made but one effort to deposit your ballot?

Answer. That was all; I made effort enough to get slammed beside the face; that was enough; I didn't want more effort than that, I suppose.

Question. At the time you were there, how many men were around the polls?

Answer. I didn't take particular notice; I suppose some thirty or forty at the windows and about there near the polls.

Question. Did you expostulate, or remonstrate with any one at the polls, about the obstructions to your getting to the polls?

Answer. No, sir, I did not; I didn't think there was any chance for expostulation or remonstrance, or any necessity for it, from what I could see and judge of the character of the crowd, that was around there.

Question. How long have you been voting in that ward?

Answer. For about two years; formerly voted in the third.

Question. Did you vote there at the last election; the last Mayor's election?

Answer. Yes, sir; I voted there then, that is in the second ward.

Question. Did you go back to the polls, and make another effort to vote?

Answer. I did not; wasn't I ordered to go away, that if I went back I would get a ball through me; if I have got to be killed to get my vote in, I had better stop voting.

Question. Who else beside yourself, while you were there, was to your knowledge, prevented from voting?

Answer. I did not see any one else offer to vote, while I was there.

Examination on both sides closed.

BALTIMORE, December 7, 1859.

The foregoing has been read to me by the clerk, and is correct.

ARCHIBALD B. REDMOND.

Test—DANIEL E. MYERS, J. P.

WILLIAM MAUER, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Are you a naturalized voter in the second ward?

Answer. Yes, sir.

Question. Did you vote at the election on the 2d day of November, 1859?

Answer. Yes, sir.

Question. What ticket did you vote?

Exceptions by Mr. Ing, to the question, as destructive of the secret ballot, and hence illegal.

Answer, subject to the exception. A Know-Nothing ticket.

Question. State the circumstances under which you voted that ticket?

Answer. I am a cooper by trade, and was at my business, and five or six men came up to me and knocked me down, and then put a ticket in my hand to vote it; I wouldn't; then they drew

my clothes down and pulled me like a dead dog along; my neighbor, Charles Beckert, came to help me, and one of them said, "Shoot him! shoot him!" and after they shooted, he falled; and he is dead and buried.

Question. Did you vote after that?

Answer. Yes, I had to vote.

Question. Did these men take you to the polls?

Answer. Yes, they took me, and afterwards there came two or three more, and they pulled me there.

Question. Did you know any of these men, who attacked you?

Answer. Yes.

Question. Do you know whether they belonged to any American club?

Answer. I don't know; I think they belonged to the Rough Skin Club.

*Cross-examination by Mr Ing.*

Question. Where do you live?

Answer. Corner Bond and Aliceanna Streets, No. 269.

Question. How long have you lived there?

Answer. I have lived there two months now, over two months.

Question. Did you hand your ticket to the judges and give your name?

Answer. Yes, sir.

Question. Did you tell the judges you didn't want to vote?

Answer. No, sir; they didn't ask me anything; I showed him I had my papers in my pocket, and he said, "never mind, I want your ticket."

Question. Didn't the judge ask you your name?

Answer. No, sir, they didn't ask me.

Question. Did you vote there at the Mayor's election a year before?

Answer. No, sir; I lived then on Federal Hill, Laudenschlager's Hill, I mean.

Question. When were you naturalized?

Answer. I got my papers this year; I would have brought them along with me, but forgot them.

Question. Why did you have your papers with you on election day?

Answer. I dressed myself in my new pants to go see a sick man, and my papers were in my new pants.

Question. Were you at work when the men came to you?

Answer. I was not in the shop, but on the pavement.

Question. What are the names of the men who forced you to vote?

Answer. One is named Lowman, another is named Bower—don't know exactly how his name (Bower's) is spelt.

Question. Have you complained against these men with the view of having them arrested?

Answer. No, sir; they are in jail, I believe; they were let out on bail and put in again after the man Baker or Beckert died.

Question. Did you tell the judges that you had been forced up to the polls to vote, and did not want to vote?

Answer. No, sir; they didn't ask me anything; one fellow had me by the collar on each side.

Question. Did you tell the judges you had been forced up to the polls and didn't want to vote? Did you tell the judges these men had made you come to the polls, but that you did not want to vote?

Answer. No, sir; I was bloody, and could not talk, I was all swelled up.

Question. Did you tell the judges that you had your naturalization papers in your pocket?

Answer. I showed the judge that I had my papers, and he said, "I don't want your papers, I want your ticket."

*Cross-examination closed.*

*Re-examination by Mr. Blanchard.*—Question. Did these men call out anything as they approached the window with you.

Answer. No, I heard nothing.

Question. When you handed your ticket in at the window, do I understand you to say, that there was a man holding you on each side by the collar?

Answer. Yes, sir.

Question. Were you before the window, in front of it, when you handed your ticket in?

Answer. Yes, sir, before the window.

Re-examination of the witness by both sides is now concluded.

BALTIMORE, December 7, 1859.

The foregoing has been read over to me, and it is correct.

WILLIAM MAUER.

Test—DANIEL MYERS, J. P.

Rev. L. D. MAIER, a witness of lawful age produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief by Messrs. Blanchard and Stockbridge.*

Question. Are you a resident of the third ward of the city of Baltimore living at No. 24 Spring Row, and Pastor of the Church on Centre Avenue, near Baltimore Street.

Answer. Yes, sir.

Question. Were you at the polls of the third ward on the 2d day of November, 1859.

Answer. Yes, sir.

Question. For what purpose did you go there?

Answer. To vote.

Question. State what you saw and experienced on that occasion?

Answer. First I sent word to George Dobler, a member of my vestry, to call at my house on his way to the polls, so that I could go along with him ; we went there, and on the way we said, if we saw any difficulty there in getting our vote, we would go back and not vote ; when we came to the polls, there was no disorder, but we saw a good many that we looked on as rowdies gathered on the pavements and corners ; we had no tickets, and so we tried to get tickets such as we liked ; we had difficulty to get a ticket ; we looked around but couldn't find any that suited us, and so we walked up to Baltimore Street towards Broadway ; we were astonished not to see any friend of the Reform, to secure tickets after our pleasure ; we saw a little girl sitting on the steps of a house on Baltimore Street, playing with a ticket ; we asked the little girl to show us the ticket ; it was the ticket suited us ; Mr. Dobler received the ticket from the little girl, and we went back to the polls, tried our best to get another ticket of the same kind for me, and so we asked a police officer whether he could secure us a ticket ; he went immediately to a young man who had a bundle of tickets, brought up some of them, and handed them to us ; another police officer was sitting there very drunk, as he appeared ; he pulled a ticket out of his vest pocket and handed it to us ; the tickets wouldn't suit us, and so we went off, and Mr. Dobler thought it best to go there and vote his ticket before we had secured one for myself ; he voted without any difficulty, and so I felt encouraged to try to get a ticket for myself and vote it too ; we went down Bond Street a little piece into a store, and there I got a ticket according to my wishes ; we went to the polls, but there was a crowd of young men, one in front of the partition before the window, at the entrance, holding a bundle of tickets in his hand, holloaing, " tickets, gentlemen, tickets ; " without taking particular notice of the man, or any one at the place, I wanted to go to the window to vote my ticket ; there I was stopped by the man who had the tickets, and by others that were with him ; he was going to force the ticket on me of the kind he had in his hand ; I remarked I have a ticket already ; over and over he said I should take a ticket of his ; I told him again, " I have a ticket already. "

Question. Was this right in front of the window ?

Answer. Right at the entrance, between the partition and the house ; at once I saw myself surrounded by a wild-looking crowd of young men ; one holloaed, " let this gentleman come up to vote ; " I went up to the window, and the whole crowd followed me from both sides of the partition ; I was asked by one of the judges what my name was and where I resided ; I told him distinctly my name, and that I am the pastor of the church in Canal Street ; he asked me for my papers, I handed them with my ticket to that gentleman, the judge ; every eye of the young men around me was cast on my papers and the judge, as far as I could see ; the judge asked me how long I resided in the third

ward; I told him over ten months; then he remarked, holding my ticket as high as he could, so that every people could see it outside, "Mr. Maier, you have to bring a certificate that you resided long enough in the ward to be entitled to vote;" at the same time one young man struck me on the head, and another one stuck me with an awl, I was kicked more than a dozen times, and wounded in front of my leg below the knee very bad, I was lame for a week, could hardly walk, and have the mark there yet; when I received the first stroke, judge remarked to the young man that struck me, "quit that;" the young man answered, "I havn't done it;" all the judges inside seeing my danger, and how meanly I was used, did say no word any more to those who struck me, they just let them go on after their pleasure; we saw no police officers any more; I received my papers from the judge, and tried to get out of the crowd, but it was a great difficulty for me to get out, for I was pressed into the window very bad; at once Mr. Dobler, who saw my danger, holloed, "Mr. Maier come out this way," and so I forced my way out and went home; I will just remark, that I could have proved very easily that I was a resident of the ward for ten months by Mr. Dobler, who was then near me, and by Mr. Brooks, the American candidate for constable, who is my neighbor, and whom I saw near there at the corner of Baltimore and Bond Streets.

Question. Did you return to the polls to vote on that day?

Answer. No, sir.

Question. And you did not vote?

Answer. No, sir.

Question. Had the crowd that assaulted you entire possession of the approach to the polls, inside the barricade?

Answer. Yes, sir; that is, at the time when I went up to vote; when Mr. Dobler went up to vote, there was no one there, but there was a large crowd on the other side of the street, and there was one big man; the others were all around him, and he seemed to be the leader of that band, and was giving them instructions, and then they all went over.

### *Examination in chief concluded.*

*Cross-examination by Mr. Ing.*—Question. What hour of the day was it when you went to vote?

Answer. Between one and two o'clock in the afternoon.

Question. Had you voted in Baltimore prior to November 2, 1859?

Answer. No, sir, not here in Baltimore.

Question. Did you tell the judges that Mr. Dobler, Mr. Brooks, and others knew you to be a resident of the ward and a legal voter?

Answer. No, sir, because my life was in danger, and my wish

was as soon as possible to get out of the crowd, and he told me that I would have to get a certificate.

Question. Where did you reside previous to removing to 24 Spring Row?

Answer. In Canal Street, opposite our church, about a month.

Question. Where had you resided previously?

Answer. In Cumberland, Maryland.

Question. For how long?

Answer. About three and a half years.

Question. When were you naturalized, and where?

Answer. About five years ago, in Harrisburg, Pennsylvania.

Question. Did you make any effort to satisfy the judges that you were a legal voter?

Answer. I showed them my papers, and there they could see, and I told them how long I had resided in the third ward.

Question. Did you tell them anything else?

Answer. No, sir.

*Cross-examination closed.*

*Re-examination waived.*

BALTIMORE, December 7th, 1859.

The foregoing has been read over to me by the clerk, and it is correct.

L. D. MAIER,

*Pastor of the German Lutheran Church Matthew,  
in Baltimore, Md.*

Test—DANIEL E. MYERS, J. P.

JAMES T. RANDOLPH, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief by Messrs. Blanchard and Stockbridge.*

Question. What ward do you live in?

Answer. In the third ward.

Question. Did you go to the polls of the third ward, in the city of Baltimore, on the 2d day of November, 1859, and for what purpose?

Answer. I went for the purpose of voting.

Question. How long did you remain there?

Answer. Some two hours and a half; I would add, in answer to the second question, "and for the purpose of assisting others who might desire to vote."

Question. Please state what occurred there, both as regards your own efforts to vote and those of others?

Answer. In the early part of the day, for about half an hour after the opening of the polls, I saw nothing unusual—there was

the usual crowding and rushing to the polls—except the peculiar fencing; the pressing, however, was so great, that I considered an effort on my part to vote would be an increase of it; I went up to the barricade, in which there was a lane open from the window to the edge of the crowd, and I walked up about half the way through the lane, when a young man stepped out from the side into the lane, with his back towards me, and entirely obstructed the passage, exclaiming “make way for a voter;” I said to him “do you intend,” or “do you wish to prevent me from voting? for if you do, and will say so, I will give you no further trouble;” his reply was, “no, I want you to get your vote;” at the same time he rushed up against me and pushed me backwards; as there appeared to be no one there except those who were disposed to join with him in his actions, I left the place; some of my friends asked me if I had voted, and I told them that I had not, and they asked me if I had made any very persistent effort to vote; I replied to them no, for I thought there was sufficient violence practised there to deter a sufficient number of voters from an attempt to exercise their rights, and I felt that the depositing of a ballot was in some sense acknowledging it as a legal election; they remarked, that it might be important for me to make a persistent effort, and be driven from the polls, and to have evidence to that effect; I again went up to the front of the passage that was open, except at the outward end, and told them I wanted to go up and vote; I heard a cry behind me of “show your ticket,” at some distance from me; supposing it to be intended for me, as I was the only person about voting, I replied that it was no use to show my ticket—that if I was permitted to vote at all, I should vote the Reform ticket; upon which, a young man in front of the passage put his hand on the side of my face in a very good-natured way, and rubbing my beard down, remarked, I looked like I might be a right decent man, and he would advise me to go away from there; I told him I wanted to vote; he then put both hands on my beard and stroked my face down the same way, remarking again, that he thought I might be a right decent man, and he would like to give me some good advice, and that the best he had to give me was, that I should go home and stay there: one of the men forming the lane pointed his finger down directly at me and said “don’t let that man come up here, for I have seen him vote once myself;” I still continued standing there, when a young man from the inside of the barricade cried out, “make way for Mr. Randolph, and let him come in and vote;” I went up, deposited my ballot, and another cried out, “make way for Mr. Randolph,” and I went out without any farther trouble; after this, there was considerable rioting, loud talking and some threatening; I saw two young men go out with clubs in their hands and seize hold of an old man of about seventy years of age, who was walking along quietly on Baltimore Street; the old man expostulated, at least I could see him gesticulating, as though he was desirous to

get away from them, and I turned away and saw no more of him; after that I continued about the polls, holding tickets in my hands; I was the only person who would do it at that time; about half-past eleven o'clock there was a shout of yelling, screaming, whistling, gun-firing or pistol-firing, firing of firearms, and cries of "kill him! kill him!" uttered by a crowd who appeared to be engaged in beating an individual, or some person or persons, and kicking him or them, and rushing upon the crowd that was standing peaceably near the polls; upon which I left and returned no more.

Question. While you were there, was the access to the polls completely in possession of the persons of whom you have spoken?

Answer. I considered it so; that no one could vote without their permission; I did not go up with the expectation of getting in my vote the second time I went up.

Question. Was there any Reform challenger at the window?

Answer. Yes, at that time; I think Mr. Muller was in the neighborhood of the window, sufficiently near to see everything that was going on, but I have not a distinct recollection of seeing him.

Question. While this firing was going on, and the man was getting beaten, did the police make any effort to protect him, or make any arrests?

Answer. No, sir, not that I am aware of.

Question. In the state of things existing there, was it possible to have a fair and honest expression of the will of the voters of the ward?

Answer. I should think that no living man could think there was, who was cognizant of the facts of the case.

Question. Was the state of things such as might reasonably deter a person of ordinary courage and firmness from attempting to vote?

Answer. I think not, unless he had been subjected to previous intimidation.

Question. Did you hear any rallying cries, which indicated the political character of the persons who were obstructing the polls?

Answer. I don't remember any; it was sufficiently evident from the tickets they held, and the questions they asked.

Question. What were those tickets?

Answer. Tickets with the names of the candidates of the American party on them.

*Examination in chief closed.*

*Cross-examination by Mr. Ing.*—Question. Did you see more than one person beaten at the polls while you were there, from nine to half-past eleven o'clock?

Answer. I don't remember to have seen more than one.

Question. Was that person beaten in the immediate vicinity of the polls, on the pavement, or in the street?

Answer. In the street, about thirty yards from the polls; about the middle of the street.

Question. Had such person, to your knowledge, attempted to vote, or was he a legal voter of the third ward?

Answer. He was an entire stranger to me, and I had no conversation with him.

Question. Can you state whether or not the person who got so beaten commenced the row?

Answer. No, I know nothing of the merits of the dispute; I was attracted by the noise, and saw two men falling; I remarked in a loud voice, "that's enough of that! stop," and the parties did stop.

Question. What connection was there between the two rowdies who attacked the old man in Baltimore Street with clubs, and the election being conducted on Bond Street, some distance south of Baltimore Street?

Answer. I have no positive knowledge of the connection, other than inference and conversation with others, which induced me to believe that they intended to drag the old man to the polls against his will, and make him vote.

Question. If such was the object and design of the wretches, was it, or not, accomplished?

Answer. As I have said, I turned away and did not see any more of it; I did not see any assault committed on him; I only saw him expostulating.

Question. You have remarked, in answer to the fourth question on your examination in chief, as follows: that in a reply to a question, whether you had voted, and of your own answer, that you had not, it was said to you, "it might be important to make a persistent effort to vote, and be driven from the polls, and have evidence to that effect;" did you understand this remark as being the advice or direction of any organized band, or association, or committee, and if so, what was such association, or body of persons?

Answer. It was not; it was a mere suggestion of a personal friend, and a friend of Reform.

Question. If fifty to a hundred of the Reformers of the third ward, the gentlemen of that party, had stood together, shoulder to shoulder, with the persistent effort to see every man who claimed to be entitled to vote, have access to the windows of the judges, what would have been the effect of such an organization of men of ordinary courage, and they being men of Fell's Point?

Answer. It seems to be rather a strange question to ask a man to answer, such a question being a mere matter of opinion; however, the effect of it would have been, that the "Blood Tubs," "Rough Skins," and "Red Necks," would have gone to their

arsenals, which I believe to have existed at the corner of Lombard and Bond Streets, on the premises or at the house of Emanuel Irons, and other places, and have come down, and if not of a sufficient force themselves, would have brought down the organizations from the different parts of the town, and they would have overwhelmed those fifty or a hundred men, and murdered them; that is my opinion.

Question. Have you any personal knowledge that arms were stored at the so-called arsenals, on the day of election?

Answer. No, sir.

Question. Have you any personal knowledge of the numbers of persons composing the "Rough Skins," the "Red Necks," or "Blood Tubs?"

Answer. No, sir; I have no knowledge of their numbers.

Question. Are there not good men enough in that section of the town, who have an interest in that section of the town, to preserve its quiet?

Answer. I believe, with the assistance of the authorities, they could and would.

Question. What efforts were made by the citizens of the third ward on election day, to secure to every legal voter of the ward the right to vote?

Answer. The only effort that I know of, was that a number of gentlemen went to the polls for the purpose of keeping a passage way open up to the window at the polls, and of acting as challengers, and that effort was not successful; if that effort had been successful, they would have gone and notified the timid portion of the voters, those who had been previously intimidated, that they could come up and vote, but under the circumstances they did not feel authorized to do so; they felt that it would be improper to do so.

Question. What prevented the freemen who were at the third ward polls on the 2d day of November, 1859, from meeting violence (if there was any there) with the same or superior force of violence, so as to secure every man his inalienable privilege of the expression of his sentiments through the ballot-box?

Answer. That is a mere matter of opinion; I give mine; the general feeling among the Reformers was, so far as I know, that they wished only a fair and free expression of the will of the voters, and that when it came down to a question of driving away by force, or being driven away, and creating a scene of bloodshed, which was the only alternative, I believe they preferred to let the election go by default, and trust to future events for a correction of the evil.

Question. Do you mean by *default*, that the Reformers preferred not to vote at the last election?

Answer. Yes, I mean they preferred not to vote, rather than to drive the others away, and create a scene of bloodshed.

Question. Which of your personal friends were prevented from voting after persistent efforts?

Answer. I can't mention any.

Question. During the two and a half hours you were at the polls, have you any personal knowledge that an illegal vote was received by the judges?

Answer. No, sir, I didn't see any vote received except my own.

Question. Did you see any legal voters rejected by the judges?

Answer. No, sir, I saw none offer to vote, or vote, except myself.

Question. Please state where you reside, and how long you have lived on Fell's Point?

Answer. Northeast corner of Broadway and Baltimore Street, and I have lived on Fell's Point upwards of thirty years.

*Cross-examination concluded.*

*Re-examination by Mr. Blanchard.*—Question. Do you think that if any Reform voter and his friends had attempted to force a passage for him to the window, when such passage was opposed, that it would have brought on an immediate riot and bloodshed?

Answer. I believe it would; if it had been one well-known resident he might have had no difficulty; if he was a foreign citizen, it would, I believe, or any citizen offensive to the American organizations.

*Cross-examined by Mr. Ing.*

Question. Is your answer to the foregoing question based upon the supposition that in so attempting to force access to the window there would necessarily have been a trampling upon the equal rights of the American party then and there present?

Answer. It was not based upon such supposition.

*Examination on both sides closed.*

BALTIMORE, December 7, 1859.

The foregoing has been read over to me by the clerk, and is correct.

JAMES T. RANDOLPH.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 8, 1859.

THURSDAY, December 8th, 1859.

LEONARD PASSANO, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination by Messrs. Blanchard and Stockbridge.*

Question. Are you a merchant of Baltimore doing business in Marsh Market Space, and a legal voter in the fourth ward?

Answer. I am.

Question. Were you at the polls of the fourth ward on the 2d day of November, 1859, and if so, how long were you there?

Answer. I was there from nine until ten o'clock, or a little after ten.

Question. Where were the polls of that ward held?

Answer. In Lombard Street, between High and Exeter Streets.

Question. State whether there was any violence or intimidation of the voters while you were there, and fully, what you saw of the condition of things at the polls.

Answer. I saw several persons interfered with, several that I did not know personally beaten from the polls, and three persons that I knew, Sloan, Lupton, and Brown; when I left the polls, the rowdy portion there had complete control; the poorer class of people, particularly the foreigners, were not allowed to vote at all; I left the polls with my mind made up, that there was no use to remain there any longer, that things were completely one-sided, and I called the attention of Mr. Pitts, the apothecary, to the fact of the condition of things there, and to the best of my knowledge he coincided with my views; I do not mean to say that no foreigner was allowed to vote at all in the ward, but I want to convey the idea that the polls of that ward were under the complete control of the rowdies.

Question. Were the rowdies of whom you have spoken, connected with any political club or party, and if so, what?

Answer. They belonged to the dominant party, but I cannot say whether they belonged to any political club; they rallied under the cry of "Americans," and of "Babes," I think; there was no noise, everything was conducted quietly, the knock-downs were done quietly, from the fact there was no opposition of the same character, no rowdy opposition; we were not there to fight them.

Question. Under the state of things existing at the polls, was it possible to obtain a fair and honest expression of the will of the voters in that ward?

Answer. Most positively not, sir.

Question. Was the state of things such as might intimidate or deter any portion of the voters of the ward from attempting to vote?

Answer. It was; I met a party of four or five men going up to the polls as I left, and I advised them to return; I was sure that they would be beaten; they were Irishmen; as an additional answer, or explanation of my answer to the fifth question, I would state, that there was no opposition on our part, because

I was satisfied that any attempt at opposition to the parties who controlled the polls would have brought us into contact with the rowdies there, and led to bloodshed.

*Direct examination concluded.*

*Cross-examination by Mr. Ing.*—Question. Were the parties you designated as rowdies, American citizens?

Answer. They were, all that I knew of them.

Question. Such as you knew personally, were they or not legal voters of the ward?

Answer. I cannot say; some of them were, the majority I believe were, I cannot say about all of them; they may all have been legal voters.

Question. How long have you lived in the fourth ward?

Answer. Fifteen years, at least, or about fifteen years.

Question. What is your age?

Answer. Forty-two.

Question. Did you not vote at the Presidential election in 1840, in the fourth ward?

Answer. It is likely I did vote then, but I am not prepared to say; I neglected voting for some time.

Question. What's the population of the ward?

Answer. That I am not prepared to say.

Question. What's the number of legal voters in the fourth ward?

Answer. That I cannot say, except from common report, which puts it at 1200 to 1300.

Question. What number of votes did the so-called Reformers poll on November 2d, 1859?

Answer. I did not pay particular attention to it.

Question. Will you state the number of Reformers, so called, in the fourth ward?

Answer. That I am not prepared to say, but I believe, from my personal interchange of views with many, that a majority of the voters in the ward are in favor of reform.

Question. Was there an organization of the Reformers prior to November 2d, 1859?

Answer. There was.

Question. Were you a member?

Answer. I believe I was; I cannot say positively whether my name was recorded or not; still I was with the movement.

Question. Were you at their meetings, or any of them?

Answer. I was at one meeting.

Question. Can you state of your own personal knowledge the names of the Reformers?

Answer. I don't know that I could mention them all; I could a great many of them.

Question. Please state the names of those you know personally.

Answer. Louis Passano, Joseph Passano, Senior, John W. Middleton, John F. Meredith, Robert Eareckson, John R. Diggs, Charles F. Mercer, Mr. Cropper, and Bowen; well, it would take me a great deal of time to tell them all, nor can I, from memory, name all I know; I suppose that two-thirds of the voters are obscure men, whose names I do not know [what I want to state is this: that the reason I believe the Reformers would have carried the ward is this—every foreigner and Democrat in the ward would have supported the Reform ticket, and a change had taken place in the American party in the ward, and many of the leaders; a great majority of the leaders in the Reform movement were formerly identified with the American party, including myself].

That part of the foregoing answer inclosed in brackets is excepted to by Mr. Ing, as not being responsive to any question put to the witness on his cross-examination.

Question. You have said in answer to the foregoing cross-question, "two-thirds of the voters are obscure men, whose names I do not know;" do you know the politics of these men, and do you know how those men voted by secret ballot, on November 2d, 1859?

Answer. The most of them are foreigners, Germans and Irish; with very few exceptions, they were not allowed to vote.

Question. Have you personal knowledge that two-thirds of the voters were not allowed to vote, and do you derive that knowledge from staying at the polls from nine to ten o'clock? If not, how do you derive your personal knowledge of such fact?

Answer. [I judge from what I saw at the polls myself; I presume that more votes are polled the first hour after opening the polls than during any other hour of the day, and from the character of the voting during that hour, I draw the inference; I do not believe that more than one-third of the legal votes of the ward were polled that day.]

The foregoing answer inclosed in brackets is objected to by Mr. Ing, as not being responsive to the question, and the question is again repeated to the witness, and he is requested to answer it.

Answer. I have no personal knowledge of such fact; it is merely an opinion.

Question. Do you personally know the politics of two-thirds of the entire voters of the fourth ward, men who are obscure and whose names you do not know?

Answer. I don't personally know their politics, only from the fact that they are, that is a large portion of them, are foreigners, and I presume from that fact, that they are opposed to the American party.

Question. Please give a direct answer to the foregoing cross-question, which, for that purpose, is now repeated.

Answer. I do not.

Question. Have you personal knowledge that a majority of the legal voters of the fourth ward are foreigners?

Answer. I have not personal knowledge.

Question. Did you personally converse with five hundred or more of the legal voters of the fourth ward in the month of October, 1859, or on the first and second days of November, 1859, to ascertain their political bias?

Answer. I had not personal interviews with them.

Question. If the legal vote of the fourth ward is 1200 to 1300, and you did not personally ascertain the political bias of 500 of them, can you undertake to say, from your own personal knowledge, what was the politics of a majority of the legal voters on November 2d, 1859?

Answer. No, I could not give the politics of 50, of my own personal knowledge; the idea I want to convey is this, that I had not personal communication with 50 men on the subject of politics.

Question. How close did you approach the judges of election, with a design to deposit your ballot?

Answer. The only space between us was the window between us.

Question. Could you have spoken to them?

Answer. Very easily.

Question. Did you vote?

Answer. I did.

Question. Did you, whilst at the polls, see any legal voters rejected by the judges and their ballots refused?

Answer. I did not.

Question. Did you see the judges receive, whilst you were at the polls, any illegal votes?

Answer. Not to my knowledge.

Question. Do you mean to be understood as testifying of your own personal knowledge that a majority of the legal voters of the fourth ward did not cast their ballots at the election on November 2d, 1859?

Answer. I do not mean to testify so as of my own personal knowledge.

Question. Please hear the sixth question in chief read to you and your answer to it; and state whether you are to be understood as testifying of your own personal knowledge that it was not possible, during the day, for a majority of the legal voters of the fourth ward to have voted on the 2d of November, 1859?

Answer. I was there only one hour, and can't testify as to what occurred during the balance of the day of my own personal knowledge.

Question. Calling your attention to the seventh question in

chief and your answers thereto, you are asked to state whether you were intimidated or deterred from voting on the 2d day of November, 1859; if so, how long were you deterred or intimidated, and what difficulties you experienced in depositing your ballot with the judges?

Answer. I was threatened, but not intimidated or interfered with in the least.

Question. What legal voter do you know personally, whilst you were at the polls, was prevented from voting? state his or their names.

Answer. There were three; James Sloan was interfered with; he lives opposite the Methodist Church, in High Street; he experienced very rough usage, but I believe after two or three attempts, with very rough usage, got his vote in; Mr. Lupton, of about fifty years of age, was badly beaten, and a young man that I took up myself, named Brown, who lives in Watson Street, was beaten off and not allowed to vote; I do not know whether or not Lupton got his vote in finally; when I last saw him there were four or five on him beating him.

Question. Was it immediately in front and adjoining to the judges' window that these men were beaten? if not, how far therefrom?

Answer. Sloan was pushed entirely through the barricade past the window; roughly treated, and jostled backwards and forwards; Lupton was beaten, I believe, from the window; whether he was a foot or two from the window I can't say; the crowd was coming from the window; there is where the knock-down commenced; and Brown was attacked about a step or two from the window.

Question. Do you know of your personal knowledge the cause, and did you see the commencement of the fight with Lupton? and did you see or do you know who struck the first blow?

Answer. I did not see the origin of the fight; as far as I saw, the striking was all on one side.

Question. Please state if you saw the commencement of the fight with Lupton, and whether or not Lupton struck the first blow?

Answer. I have answered that before.

Question. Answer it again?

Answer. I did not.

Question. Do you know whether Brown commenced the fight in which he was engaged?

Answer. I am certain he did not.

Question. Do you know what Brown said or did which induced his being struck?

Answer. He was beaten without a word being said; I was alongside him the whole time, until he was beaten away.

Question. You have stated in answer to your fourth question in chief that the poorer class of persons, and particularly foreign-

ers, were not allowed to vote, with few exceptions; please state the names of the poor persons driven away, who were not foreigners?

Answer. Well, I don't know them.

*Examination on both sides closed.*

BALTIMORE, December 8, 1859.

The foregoing has been read over to me by the clerk, and is correct.

LEONARD PASSANO.

Test—DANIEL E. MYERS, J. P.

PHILIP SHERWOOD, a witness of lawful age, produced on the part of the contestants, having been duly sworn, deposes and says:

*Examination in chief.*

Question. Are you a legal voter of the city of Baltimore, and if so, of what ward?

Answer. I am a legal voter and of the third ward.

Question. Did you go to the polls on the 2d of November, 1859, and if so, how long did you remain there?

Answer. I went to the polls at about half-past nine, and remained there until half-past eleven o'clock, and I was also there in the afternoon from three until half-past three o'clock.

Question. State what occurred while you were there.

Answer. I took a ticket, and after some difficulty caused by the crowd, succeeded in voting; the difficulty was caused by the fact of a barricade being erected in front of the window and the crowd blockading the entrance.

Question. Please state the cries, the rallying cries of the crowd that obstructed the entrance to the barricade?

Answer. I heard no rallying cry at the time I voted.

Question. Was there at any other time, and if so, state what it was?

Answer. I heard them cry, "Wade in Red Necks."

Question. State what occurred when this cry was used.

Answer. There was a man who accused a man whose name I understood to be Pindell, but whom I did not know personally, of sticking him with an awl, and while they were quarreling and wrangling about it, they attracted a considerable crowd, when a young man, whose name I understood to be Welsh, son of Simon Welsh, magistrate of the third ward at that time, whom I did not know personally, knocked the man down that was complaining of having been stuck with an awl; that was the time I heard the rallying cry, "Wade in Red Necks."

Question. While you were there had this party of whom you have been speaking complete control of the access to the window?

Answer. No, I could not say that they had complete, but they had nearly complete, they admitted a person once in a while.

Question. Did you see this party of whom you have spoken prevent any person or persons from reaching the window?

Answer. Yes, sir.

Question. Could you form any estimate of the number of persons whom you saw excluded by this party.

Answer. No, sir.

Question. Did the police make any effort to keep the access to the polls open?

Answer. There was no police present at the time I saw.

Question. Did you see any other act or acts of violence than that which you have spoken of; if so state what it was or they were?

Answer. I saw a man, whose name I understood to be Caruthers, I ascertained it from inquiry, made three several attempts to get into the barricade, the third attempt he was dreadfully beaten, shockingly beaten, by some half dozen or more; I saw that old man, to whom Mr. Randolph referred yesterday in his testimony, he was coming down Baltimore Street, from Broadway, he had a basket on his arm as if he was going about his business, and not going to the polls, and he was approached by two men who insisted on his taking a ticket from them; he refused and they took him by the collar of his coat and commenced dragging him towards the polls; they got him to the corner of Bond and Baltimore Streets, the southwest corner, when they put a ticket in his hand, which he threw down; one of them then struck him, he then dropped on the pavement, not as if he were knocked down, but a sort of set down, I don't know whether from the force of the blow or not; there was a man, whom I don't know, went then to remonstrate with them, and he was knocked down and the old man escaped; I took him by the arm and led him off; this brings me down to half-past eleven o'clock; I found there was going to be riot and disorder, which was becoming rampant about that time, and I concluded it was best to leave, after consultation with some friends, and I left.

Question. Just before you left was there any discharge of fire-arms?

Answer. Just when I left, there was not; but some time previously, at the time Welsh knocked the man down, as I have stated, there was.

Question. At the time the old man was beaten, were there any police about the polls?

Answer. I saw none.

*Direct examination closed.*

*Cross-examination by Mr. Ing.*—Question. How long have you resided on Fell's Point?

Answer. All my life, with the exception of about two years, and I am forty-five years of age.

Question. Were any of your acquaintances, legal voters of the third ward, rejected by the judges, and thus prevented from voting?

Answer. Not that I know of; it was impossible for me to see the window.

Question. Have you a personal knowledge of the rejection of any legal voters of the third ward, by the judges?

Answer. No, sir.

Question. Have you a personal knowledge that the judges received any illegal votes at the polls of the third ward, on the election of the 2d day of November, 1859?

Answer. I have no personal knowledge.

Question. Did you see the commencement of the row, in which Caruthers was beaten; did you hear any expression used by Caruthers, before he was set upon?

Answer. I saw the commencement of the row; on his second attempt, his hat was knocked off by a man, who said, "you son of a bitch, if you try it again, I'll kill you;" I spoke to Caruthers myself, after his hat was knocked off, and told him he had better not try it again; he remarked that he was entitled to vote, and that he wanted to vote; this remark was made to me, not to others; in some two or three minutes after that, he made another attempt, seeing a little kind of an opening made, and was beaten as I have stated, and I honestly believe would have been killed, if it had not been for the interference of Thomas Spencer, harbor-master of the lower district; I did not hear Caruthers make any remarks, other than I have stated, which were addressed to me.

Question. How many discharges of firearms were there at the polls while you were there?

Answer. Only the one that I have referred to; there was more than one report, but only at that one time.

Question. Was any one wounded by firearms, while you were there?

Answer. I have no knowledge of any one being wounded by firearms.

Question. At previous elections in the third ward, since 1840, have you not seen many persons beaten, much disorder, and persons shot, cut and knocked down, and badly beaten; and was not such state of things as observed by you, an almost inevitable consequence of holding an election in the third ward, before the rise of the American party?

Answer. In answer to the question as a whole, I should say, no.

Question. Do you remember the election held in the third ward, at which the Delegate ticket of the Temperance men was

elected, say in the fall of 1853; were you not present thereat, nearly the whole day, and were there not many fights at that time?

Answer. I remember it distinctly; I was there the whole time, from nine o'clock until six o'clock, and I saw no fight, that I recollect; not a solitary fight, and very little confusion for a general election; I stood on one side of the window all day, and no one molested me, nor did I see any one else molested; there was some crowding about twelve o'clock, the dinner hour, owing to the press of the voters.

Question. When the polls were held at White Hall, was not fighting on election day an ordinary incident attendant upon elections; have you not seen men then and there, seriously beaten, cut with knives, knocked down and maltreated?

Answer. It was, to some extent.

Question. Did you see many drunken men at the third ward polls on November 2d, 1859? Have you a recollection of seeing then and there any persons intoxicated whilst you were at the polls?

Answer. I hardly know how to answer it—I must conclude that they were drunk from their actions, if not, they were the most desperate set of characters on the top of this earth.

*Cross-examination concluded.*

*Re-examination by Mr. Blanchard.* Question. Have you been heretofore connected with the American party?

Answer. I voted the American ticket for the first two elections. I think I did not belong to their organization or councils. When they came to me with the striped ticket, I would not go that. If I could have got a white ticket of that party, at the time Shutt was candidate for Mayor, I might have voted it; I was very undecided at that time how I should vote.

*Examination on both sides closed.*

BALTIMORE, December 8th, 1859.

The foregoing has been read to me by the clerk, and is correct.

PHILIP SHERWOOD.

Test—DANIEL E. MYERS, J. P.

SIMON KEMP, SR., a witness of lawful age, produced on the part of the contestants, having been duly sworn deposes and says:

*Examination in chief.*

Question. Are you a legal voter in the fourth ward of Baltimore city?

Answer. Yes, sir.

Question. State whether you saw any interference with voters at the polls of the fourth ward on the 2d day of November, 1859.

Answer. I did.

Question. State what you saw.

Answer. A man named James McMahon, a neighbor of mine, went with me to vote, I told him to go right before me to the window; when within about three yards of the window, a young man about twenty-two years of age, came up to him, and made use of the expression, "You shall not vote here," and the words were scarcely spoken, when he struck him a severe blow, under the right eye, thereby forcing him into the street; his hat fell off, and in picking it up, he was kicked in the side by another of the same party; he went home, and did not attempt to vote afterwards.

Question. Did you remain there any length of time?

Answer. From half an hour to three-quarters of an hour. I remained there for the express purpose of ascertaining the name of the young man who struck McMahon; my intention being to go before the Grand Jury and have him indicted.

Question. Was there any interference on the part of any police officer to protect the man when he was knocked down?

Answer. No, sir; I did not see a police officer there then.

Question. Did you see any other persons prevented from voting, while you were there?

Answer. No, sir; yes, I did; I saw one man both struck and turned away by the same party that beat McMahon. After I voted, I did not remain near the window, but stood on the opposite side of the street.

Question. Did this party seem to have undisputed possession of the entrance to the barricade, so that they could admit or exclude whom they pleased?

Answer. They had exclusive possession, and one of them said very politely to me, "Come up squire, *you* can vote."

*Cross-examination by Mr. Ing.*—Question. Had this party, McMahon, voted previously at the fourth ward?

Answer. He has never voted, in consequence of his not having been naturalized, not being entitled to vote.

Question. How many years have you been voting in the fourth ward?

Answer. Eleven or twelve, to the best of my recollection.

Question. Are you not well known to be a legal voter of the fourth ward, and have you not held office as justice of the peace in the city of Baltimore?

Answer. I am well known, and have held such office.

Question. Did you experience the slightest difficulty in voting, and in voting your sentiments?

Answer. I did not.

Question. Whilst at or in the vicinity of the polls, did you see the judges reject any legal voters?

Answer. I was only in the vicinity whilst I voted; the rest of the time I was on the other side of the street; I did not see them reject any legal voter.

Question. Did the judges, to your knowledge, receive any illegal votes on November 2d, 1859?

Answer. They did not.

Question. Are not your politics known to most of the residents of the ward?

Answer. They are.

Question. Do you profess or claim to be of the American party?

Answer. No, sir.

*Cross-examination closed.*

*Re-examination waived.*

BALTIMORE, December 8th, 1859.

The foregoing has been read over to me, and is correct.

SIMON KEMP.

Test—DANIEL E. MYERS, J. P.

HENRY C. BROWN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. In what ward do you live?

Answer. In the fourth ward.

Question. Are you a legal voter in that ward?

Answer. Yes, sir; that is, as far as I understand the law on that subject; my father came here and was naturalized before I was of age, and I believe that is sufficient to entitle me to vote without papers.

Question. How old were you when you came to this country?

Answer. I was not over four years.

Question. Did you go to the polls on the 2d day of November, 1859, and for what purpose?

Answer. Yes, sir; I went to the polls, and for the purpose of voting as a peaceable citizen, and for no other purpose.

Question. State whether you did vote, and if not, how you were prevented from voting?

Answer. No, sir; I did not vote; there was several men stopped me as I was making an attempt to get to the window; the first man pushed me, and I was struck three times; I couldn't tell by whom; that is, I wasn't acquainted with any of them, and driven off; I was driven away.

Question. How near to the barricade were these men who stopped you?

Answer. I was within six feet of the barricade, not further off than that.

Question. Did you make any further attempt to vote?

Answer. No, sir.

Question. Why not?

Answer. I didn't think it was safe; it wasn't worth while.

Question. Did any police officer attempt to assist you when you were attacked?

Answer. No, sir; I didn't notice any about there.

Question. How long did you remain there?

Answer. Not longer than fifteen minutes.

Question. How long since your father was naturalized?

Answer. I do not know.

Question. Do you know how long he has been voting?

Answer. No, I can't say.

Question. Can't you fix the time at all?

Answer. No, sir; I recollect him voting thirteen years back.

Question. What is your age?

Answer. Twenty-eight this month, on the 26th December.

Question. While you were at the polls, did you see any other person assaulted, or driven away from the polls?

Answer. Yes, sir; I saw one man assaulted and driven away from the direction of the polls, but I can't say whether he got his vote in or not; as far as I could judge it was the same parties that drove him away that had driven me away, as nearly as I could tell.

*Direct examination closed.*

*Cross-examination by Mr. Ing.*—Question. Have you ever voted, Mr. Brown?

Answer. Yes, sir.

Question. In what ward?

Answer. In the ninth ward.

Question. When?

Answer. I think it was the year of Mayor Swann's first election.

Question. How long have you lived in the fourth ward?

Answer. About three years, I think, sir.

Question. Had you no proof to offer to the judges that your father had been naturalized, other than your own word, if you had got to the window and offered to vote?

Answer. I had no proof at hand as to my father's having been naturalized; I did not expect to be stopped, as I had voted before; but I had proof with me that I had lived in that ward three years.

Question. Who went with you to vouch for your having resided in the ward for three years?

Answer. Mr. Leonard Passano.

Question. What o'clock of the day was it that you were at the polls?

Answer. I didn't notice exactly, but it was about half-past nine.

Question. Did you go to your work that day after leaving the polls?

Answer. Yes, sir.

Question. Did you make any effort to vote after half-past nine?

Answer. No, sir.

Question. Can you tell now where and when your father was naturalized?

Answer. No, sir, I can't.

*Examination on both sides concluded.*

BALTIMORE, December 8, 1859.

The foregoing has been read over to me by the clerk, and is correct.

HENRY C. BROWN.

Test—DANIEL E. MYERS, J. P.

JOHN R. DIGGS, a witness of lawful age, produced on the part of the contestants, being conscientiously scrupulous of taking an oath, and having been duly affirmed according to law, deposes and says:

*Examination in chief.*

Question. In what ward do you reside?

Answer. In the fourth ward.

Question. Are you a legal voter in that ward?

Answer. I am.

Question. Did you go to the polls on the 2d of November, 1859, and for what purpose?

Answer. I did; to vote, and did vote.

Question. How long did you remain there?

Answer. I was there immediately after the polls opened, and remained there until after ten o'clock, A. M.

Question. Did you see any person prevented from voting, and if so, by what means?

Answer. I saw a gentleman, Mr. Wm. Boyd, go up to vote, and the place was so blocked up, he attempted to vote but couldn't get in to vote; I saw a man in a gray coat assaulted; struck by several; cannot say whether he voted or not; don't think he did.

Question. Did the entrance to the barricade appear to be

under the control of the parties who committed these assaults that you have spoken of?

Answer. Yes, sir.

Question. Where was this party of men stationed in reference to the barricade?

Answer. Inside near the window, and outside a little away from the barricade; they were hustling and pushing when any one of the opposite side came up to vote, those that they didn't want to suffer to vote; there were others that were permitted to vote, but it wasn't every one that was granted that privilege.

Question. Had this party of men undisputed control of the entrance to the barricade?

Answer. Oh, yes.

Question. Did I understand you to say that they occasionally permitted some to go up to the window?

Answer. Yes, sir, they permitted some, and others they would not.

Question. Did the police attempt to protect any person who was assaulted?

Answer. I do not recollect to have seen any police there; there may have been some there, but I did not see them to my recollection; Mr. Hiss, the candidate for magistrate, interfered once or twice to prevent assaults, that is, to separate the parties; there were a number of gentlemen standing on the opposite side of the street, and they were *egged* by a party who were inside the barricade, right by the judges, so that I suppose the judges knew who they were; I have no doubt of it, and the gentlemen went away; I remained with Mr. John Kelso for about the last, and I thought then it was time for me to move, and he being of the opposite side, or party, I asked him to walk up with me as far as Exeter Street.

Question. While you were at the polls was there a free and open poll in the fourth ward?

Answer. No, sir.

*Examination in chief closed.*

*Cross-examination by Mr. Ing.*—Question. State the difficulties, if any, you had in voting at the fourth ward on the 2d of November, 1859?

Answer. I managed to vote without any difficulty; I voted immediately after the polls opened.

Question. Are you a member of the American party?

Answer. I am not.

Question. Please state in what business you were engaged on the 2d of November, 1859?

Answer. I kept a variety store, No. 219 Baltimore Street; I have been out of active politics ten years about.

Question. How long have you been voting in the fourth ward;

and are you or not well known as a legal voter to the citizens there?

Answer. I have voted for two years in the fourth ward recently; formerly voted in the tenth ward about five years, and before that again in the fourth ward, and I am well known to the citizens there as a legal voter.

Question. Whilst you were at the polls, did you see any illegal voting?

Answer. I cannot say that I did.

Question. Did you see any legal voters rejected by the judges?

Answer. No, sir.

Question. If the men of violence had complete possession of the polls and barricade, how did you, who were not of their party, manage to get your vote without difficulty; did you solicit, as a favor from them, the privilege?

Answer. I did not, and would scorn to do it; I pushed my way through them, of course.

Question. Could not any resolute man, with persistent effort, being a legal voter of the ward, have accomplished the same thing as yourself, between nine and ten o'clock?

Answer. No, I don't think they could; I believe there are resolute men that would have been deprived of their votes if they had attempted it; but for the sake of a little opposition, I suppose, they did let a few vote.

Question. How many composed the crowd who kept possession of the barricade?

Answer. Well, I couldn't say; somewhere about twenty.

*Cross-examination closed.*

*Re-examination by Mr. Blanchard.*—Question. Were there any Reform challengers at the window?

Answer. There were not.

Question. Do you recollect what the total vote of the fourth ward was at the time General Scott was a candidate for the Presidency?

Answer. I do not.

Question. Do you know what the vote of that ward was when there was a quiet election?

Answer. Between eleven and twelve hundred, I think.

*Cross-examination resumed.*

Question. What year do you refer to when the vote was but eleven and twelve hundred?

Answer. That was as far back as 1848.

Question. Please give the boundaries of the fourth ward then, and state whether there has been any change?

Answer. I don't think there has been any change in the boundaries—Canal Street on the East, Jones' Falls on the West, Fayette Street on the North; the South boundary is as follows: from Canal Street along the North side of Bank Street up to Exeter, and then to Fawn Street, and thence on the North side of Fawn Street to the Falls.

Question. Have not many new houses been erected within those bounds since 1848?

Answer. But very few, to my recollection.

*Examination on both sides closed.*

BALTIMORE, December 8th, 1859.

The foregoing has been read over to me by the clerk, and it is correct.

JOHN R. DIGGS.

Test—DANIEL E. MYERS, J. P.

Adjourned.

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BALTIMORE, December 9th, 1859.

GEORGE EVANS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. In what ward do you reside?

Answer. In the fourth ward.

Question. Are you a legal voter in that ward?

Answer. Yes, sir.

Question. Were you at the polls on the 2d of November, 1859?

Answer. Yes, sir.

Question. Did you vote?

Answer. I did, sir, by sufferance, I believe, though; by permission of some of the outsiders.

Question. Did you see any persons obstructed in their approach to the polls and prevented from voting?

Answer. Yes, sir.

Question. By whom, and how were they prevented from voting?

Answer. They were prevented by persons around the polls, and some were beaten, kicked, abused, knocked down, and finally driven away, and several were just prevented from getting in, kept out from getting to the window.

Question. Where were the parties stationed who committed the outrages to which you have referred?

Answer. They were stationed at the entrance to the fence, and some at the other end where voters came out, and when a voter

went to one end to get in, they would tell him to go round to the other end, and so they kept him going from one end to the other, and finally he couldn't vote at all.

Question. Had this party complete control of the access to the judges' window.

Answer. Yes, sir; there wasn't many of them, ten or fifteen, around the polls, enough to keep out whom they wanted, a single man; I suppose they had a reserve guard back; they generally have had.

Question. With what political party did they appear to be connected?

Answer. Well, sir, they belonged to the Know-Nothing party or American party they call them.

Question. What did you notice as occurring when a voter approached the barricade, whom they desired to keep out?

Answer. They would ask if he wanted a ticket as he went up to the entrance of the barricade, and if he would reply that he had a ticket, then they would shove him out or off from the entrance; and if he made any resistance, four or five of them would assault him, as many as could get at him.

Question. Did you see this occur repeatedly?

Answer. Yes, sir, several times.

Question. Was it generally supposed in the ward that this party had a deposit of firearms in the immediate vicinity of the polls? The question is excepted to by Mr. Ing, on the ground that what was supposed to exist cannot be proved as a fact—that no legal inference could be drawn from an unproved fact.

Answer. (Subject to foregoing exception.) Yes, sir; that generally was the opinion of voters, that they had a deposit of firearms in the immediate vicinity, or close at hand to the polls, at Perkins's, back of the polls, or back of Perkins's house, which is the house in which the polls were held—there is a ten-pin alley back of Perkins's or behind an adjoining house, and it was supposed that the firearms were kept there or near there.

Question. Have you at any former election seen a party of disorderly persons connected with the Know-Nothing or American party, produce muskets and other weapons from a place of deposit in the vicinity of the polls at the fourth ward, and if so, state when and where?

Answer. At the Presidential election of 1856, there was an outbreak at the second ward, which was about two squares or more from the polls of the fourth ward, and a large number of men, with arms from the fourth ward, muskets and pistols, rushed down to the second ward and drove the voters away—finally closed those polls. These men came rushing from the Vigilant Engine House nearly opposite the polls, with arms. I did not see them take the arms from the inside of the engine house, but they came from the engine house, rushed out.

The foregoing question and answer are excepted to by Mr. Ing,

on the ground that they have no relevancy to the election now being contested.

Question. Were you assaulted in any way.

Answer. No, sir, except with the *eggs*, they threw several at me, but only struck me with one. In fact, they drove away all the Reformers before they attacked me.

Question. While you were there, was there a free and open poll in the fourth ward?

Answer. Well I can't say there was a free and open poll, for they would let some few individuals come up and vote, then they would close up the entrance and drive others away. If a man attempted to force his way in, he was assaulted and knocked down.

Question. Did the police attempt to interfere to prevent assault, or to arrest those committing assaults?

Answer. No police were there, not while I was there.

The foregoing questions and answers having been read over by the clerk to Mr. Evans, the witness, he desires the following addition to be made to his answer to the eighth question:—

I said there were ten or fifteen round the polls, but I meant to say, that they would increase the number from time to time up to thirty, or thereabouts.

*Examination in chief closed.*

*Cross-examination by Mr. Ing.*—Question. Please state at what hour you reached the polls, and how long you remained?

Answer. I was there immediately after the polls opened, some five minutes, and remained there until between eleven and twelve.

Question. Please state what difficulty, if any, you experienced in voting, or approaching the judges' window, how long it took you to get to the window and deposit your ballot, after you had arrived at the polls?

Answer. There were very few persons voting when I went; there were several men in the gangway, men not waiting to vote, standing there; and I can't say that I was refused by any violence, to get in to the window; they obstructed the entrance, until some person on the opposite side said, "Why don't you let Mr. Evans in to vote;" then they opened the way and I went in; it was but a few minutes, about five minutes.

Question. How long have you been living in the present fourth ward, and are you not well known to the voters thereof as a legal voter?

Answer. I have been living there about thirty-five years, and I ought to be well known as a voter.

Question. Which of your personal acquaintances, being legal voters of the fourth ward, having been to the polls, were prevented from voting?

Answer. William R. Jackson, Mr. Lupton's son, whose name

I don't know; the old man was assaulted, but I believe finally voted; two men who are in the custom-house, whose names I cannot now recall; these are all whom I can now think of that I knew.

Question. Whilst you were at the polls, from nine till eleven o'clock, did you see the judges receive any ballots from illegal voters, whom you knew to be such?

Answer. I did not; I did not stay at the window, and when I was on the outside, the fence being very high, I could not see what was going on at the window.

Question. Whilst you were at the polls, did the judges reject any legal voters?

Answer. Not that I know of.

Question. Whilst at the polls, or in the vicinity, was there any display or discharge of firearms?

Answer. No, sir, not that I know of.

Question. Has the population of the fourth ward increased since 1848?

Answer. I don't know about that, since 1848; since 1853, I don't think it has.

Question. You have said, in answer to the fifth question in chief, that you saw persons approach the polls, and prevented from voting; do you know that such persons were legal voters of the fourth ward?

Answer. I do not know that they were legal voters, except the persons whose names I have mentioned, and those to whom I have referred in my answer to the fourth cross-question.

Question. Did you hear from any members of the American party, that the party, the American party, had arms stored in the vicinity of the polls, on November 2d, 1859?

Answer. No, sir, I did not.

Question. Have you any personal knowledge of arms being stored at, or in the vicinity of, the polls of the fourth ward, by or for the use of the American party, on the 2d of November, 1859?

Answer. No, sir, I have no personal knowledge of the fact; it is only supposition, a matter of rumor.

Question. Were you standing near to Mr. Lupton, when he was assaulted, so as to see or hear what provocation, if any, he gave at the time?

Answer. I wasn't close enough to hear any conversation; I was standing a few feet off, and the first thing I saw was, that they were beating him; the old man and his son were both beaten.

Question. Were you sufficiently near, and did you hear or see, what provocation, if any, the other parties, who were assaulted, gave?

Answer. No; nothing but the voter wishing to go in, and they crowded him out, and he trying to get in; and then, in one

or two instances, I heard the American party say, "you come here to make a fuss."

*Cross-examination closed.*

*Direct examination resumed.*—Question. What is the largest vote you ever knew polled at the fourth ward, at a free and open poll?

Answer. I forget; I don't know.

Question. About the largest vote?

Answer. I think in the neighborhood of 1200 to 1300 votes.

Question. Do you recollect what was the majority for Mr. Swann, in the fourth ward, when Mr. Shutt was the opposing candidate for Mayor, and state in what year that was?

Answer. I think it was about 2700 votes; I was not at the polls that day; that was in 1858.

Question. Do you know that a number of your own acquaintances were prevented from going to the polls to vote by their apprehension of violence, if they did so?

Answer. Yes, sir, I believe they were; in fact, I am certain of it, a number of them.

Question. Has the native born population of the fourth ward decreased, and the foreign born population increased, since 1853?

Answer. I believe that the native born population has decreased, and the foreigners have increased.

Question. Did the persons, to whom you refer as excluded from voting, or prevented from voting, go up, as a general thing, singly?

Answer. Yes, sir, they did.

*Cross-examination resumed.*

Question. In your answers to the first, second, third and fourth questions, on your re-examination, have you answered from your own personal knowledge, or from hearsay, and information derived from newspapers?

Answer. The election returns I have from the newspapers, and in answer to the fourth question, I spoke from information derived from the parties themselves; I went to them to ask them to vote, and they replied that they wouldn't go and be beaten over again; many of them had been beaten at former elections.

*Examination on both sides closed.*

BALTIMORE, December 9, 1859.

The foregoing is correct.

GEORGE EVANS.

Test—DANIEL E. MYERS, J. P.

GEORGE W. MOWBRAY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you a resident and legal voter of the fifth ward of the city of Baltimore, on November 2d, 1859 ?

Answer. I was, sir.

Question. Were you at the polls of that ward on that day, and if so, how long and for what purpose ?

Answer. I was at the polls from nine o'clock until twenty-five minutes past four ; I was as a judge of election for that ward.

Question. State fully what was the character of the proceedings at and about the polls while you were there.

Answer. On the opening of the polls I saw the complexion or character of the persons there, who crowded in and around the polls on both sides ; they were mostly of rowdy elements ; and there was one person planted himself immediately in front of the window, I expostulated with them, and they at the time had possession of the polls on both sides and in front of the window ; I made an address to them as gentlemen, and requested that each party should have an avenue by forming on each side, so that the honest voters could get up and deposit their ballots, to which they did not seem to pay any attention ; I saw police officer No. 98 there with other police officers ; he being the nearest to me I called upon him, and I called upon the police several times to open the avenue ; he mingled in the crowd and appeared to make some effort, but very little ; as the parties approached the polls who I was satisfied were legal voters, particularly those who appeared to be of foreign birth, they were hustled out ; throughout the morning, or a considerable portion of it, there was considerable disturbance about the polls ; there was a small man there whom I saw striking and beating persons at different times, he was in the melee in which Mr. Joseph Vansant was beaten, after that he changed his hat and returned, he then would occasionally fire a pistol ; I saw him on one or two occasions loading the pistol, which appeared to be a horse pistol with a bright barrel, he was in Temple Street and also at times in Fayette Street ; I saw several melees there, I saw persons when they got up to the window with tickets in their hands to vote, and their hands would be knocked up to keep the judges from receiving them ; some were driven away entirely, some after awhile would get their votes in, some few of them ; several times I called upon the police, and these parties would chuckle and laugh, and the police did not attempt after the first or second time to make any effort at all to open the polls, they got away from there, and tried to get out of hearing ; occasionally there would come large crowds of persons to vote, many of whose faces I had never seen before, two of the judges being of the opposite side received their tickets and placed

them on the table behind the ballot box; this was between eleven and twelve o'clock; the party at the window came up and amid the most profane oaths and imprecations stated if they, the judges, did not put those tickets in the box what they would do, what they threatened was intimidation, "that they would smash their (the judges') heads if they didn't;" they unhung the shutters from the outside and they came at us in the attitude as if they were using a battering ram with the shutters as we, the judges, were standing inside near the ballot box, the shutters were taken from them by, I think, one of the police officers, and they (the shutters) were taken away from the house; occasionally men would be brought up apparently by force, to vote contrary to their sentiments; I recollect of seeing men taken off their carts or wagons on Fayette Street, and brought up; the parties who brought them up tried to force their votes in as illegal voters, they did not live in the ward, I was satisfied of that. One, I recollect, when asked by the judges where he lived, said he lived on the Philadelphia road, which is not in the fifth ward, and he was turned away by the judges of course; there were numerous men which came there and said they lived in Potter Street, and they were turned away by the judges; other parties who lived in Stirling Street, as they, said, were also turned away, they seemed to be under charge of the parties who brought them, and the parties would tell them to say they lived in some street within the limits of the ward; one of the men who offered to vote gave his name as William H. Lester; knowing him and his name, I said to him, "How do you do Mr. Coster?" upon which he backed down and went away; there was a boy whom they were prompting to vote, who called out his name as "George Nelson;" I said to him, "You can't vote here, you are an apprentice in a type foundry round the corner;" one of the other judges said to him, "Mr. Mowbray knows you, you can't vote here;" every now and then the fellows at the window would playfully like hold up their hands with a ticket folded and call out some name or other; of course these votes were not taken by me or to my knowledge; this was up to noon; in the afternoon they brought hacks there with parties in them, crowded with fellows in hacks and wagons, numerous, I could'nt pretend to give any idea of them—many with bruised faces, blacked eyes, cut heads, and the most filthy looking creatures I had ever seen in my life; one man as he came up said, "Adam Stutzel," I asked him where he lived, he said, "in Potter Street," I perceived he was a German; one of the judges asked him for his papers, one of those who came with him and had hold of him said, "I have his papers," and put his hand into his own pocket to pull them out, and handed the papers to Judge Abbess; I looked over the papers and said, "That won't do, the papers are made out in the name of John Baldwin," and his vote was rejected; there was a great many brought there with no papers who were foreign-born citizens without papers, and who were

brought there contrary to their wishes and they did not vote; I said to those who brought them, "Gentlemen, these men are not sons of the soil, and they can't vote without papers;" after that there was a young man came there who wished to vote and said he lived in the ward, I asked him if he would qualify that he was a resident of the ward; he went partially away from the window, and there appeared to be some conversation among the parties around the window with him, they trying apparently to persuade him to return; he then remarked to Judge Abbess, he would be willing to qualify; and by Abbess's request I placed the book on the end of the window to him, but very reluctantly, indeed. The party of whom I have spoken as standing in front of the window, right in the centre, with his back turned toward the judges, jerked the book out of my hand, and threw it into the street, and I did not get it back again; said I to one of the other judges, ask him for the book, and the fellow who jerked the book out of my hand said, "damn the book," and the young man did not vote.

There were crowds of parties who come up after that, a perfect onslaught of voters, I might say, whose tickets were taken by the other judges, but none of them by me, and these tickets were laid on the table, back of the ballot box, as before; the parties on the outside seeing the judges put the tickets there, cursed and swore that they should be put in the box; they directed their attention or conversation toward the two other judges particularly, with threats of violence if they did not put them in; one of the party got in on the window sill, his head being inside a foot or more, and swore that they would break up the box; I heard rallying cries of "Rose Buds" when these little things occurred, frequently through the day, "Oh you Rose Buds," and such cries; after that there was a hack load came up, and a man got out with a blue stock with the ends falling down in front; I heard him call the name, and hand the ticket in; I understood him to say he lived in East Street; after he had voted, I heard the name called "Levy;" the clerk called out, says he, "Ras looks very well to-day," and said I to one of the other judges, "is that Ras Levy;" said he, "it is his brother;" very short time before I left, I told the other judges I would leave; he said I had better to stay; I came out, and I made my way down to the corner of Front and Fayette; this notorious Grahame, who had been at the polls all day, helping to crowd voters out by filling up the gangway, followed me to the corner, and wanted to know "why I was so down on him;" "I told him I had done no more than my duty, &c.;" he made no attack on me, and I went home; I went to the Mayor's office and surrendered my commission to acting Mayor Spicer. There was an Italian, whose face I had frequently seen, and who formerly resided in the rear of the Stone tavern; he was brought up by two men, and they were holding his wrists, each one had a wrist, and they remarked that he was a voter and lived in that ward;

we asked him then, whether he had any papers; he said "no, not been in the country five years;" when they found he couldn't vote, the disposition was to maltreat him; I expostulated with them, and said, "gentlemen don't hurt the man, he is innocent, he has been brought here;" and they finally let him out without injury; at one or two stages of the proceedings, while I was acting as judge, I was called a "son of a bitch," and a piece of a segar was thrown in my face; when I left, and before that, I was satisfied there was no fair election, as the polls were entirely under the control and in the possession of one party, the rowdy element; I suppose it to have been the American party; they came up to the window and asked for tickets, and Judges Abbess and Cozine would hand them tickets from a shelf on the inside; these tickets were American tickets, which they wanted, and they had a black line or stripe which ran the whole way down the ticket, with Washington's head at the top.

Question. Where were the polls of the fifth ward held on that day?

Answer. On the north side of Fayette, between High and Exeter Streets.

Question. Was it a location favorable to a fair and honest election in that ward?

Answer. I don't think it was; it was at the southern extremity of the fifth ward; I should have preferred the centre of the ward, near "Rising Sun" tavern; but the other judges had fixed upon it, and part of the rent had been paid in advance to the owner before I was appointed judge, so I understood; about a dollar had been paid.

Question. Were the polls as accessible to one party as to the other while you were there?

Answer. They were not; there was a barricade up, and there were crowds of those rallying under the cry of "Rose Buds" in front of the avenue; now and then there would be a little melee off from the window, and then they would thin out a little at the window.

Question. To which party did the "Rose Buds" belong, or are they generally reputed to belong?

Answer. They are generally reputed to belong to the American party.

Question. Produce and file, if you can, a ticket similar to those which you mentioned as given by the other two judges to the "Rose Buds?"

Answer. Here is one; the witness now produces a ticket purporting to be an American ticket for the fifth ward, which is hereto attached.

5th WARD.  
AMERICAN TICKET.



"Put none but Americans on guard."—Washington.

- For State Comptroller,*  
Wm. H. Purnell.
- For Congress—Third District,*  
J. Morrison Harris.
- For State's Attorney,*  
Milton Whitney.
- For Sheriff,*  
George H. Dutton.
- For Clerk of Circuit Court,*  
Thomas B. Gaither.
- For Judges of the Orphans' Court,*  
Edward D. Kemp,  
Joseph H. Adoun,  
Franklin Supplee.
- For City Surveyor,*  
Gilbert H. Bryson.
- For State Senator,*  
Coleman Yellott.
- For the House of Delegates,*  
Charles L. Krafft,  
Thos. Booze,  
Robert L. Seth,  
William A. Wisong,  
Geo. R. Berry,  
F. C. Crowley,  
R. A. McAllister,  
Thomas M. Smith,  
Robert Turner,  
Marcus Dennison.
- For Justice of the Peace,*  
John McAllister.
- For Constables,*  
Wm. Beale Barton,  
W. H. Hobbs.

*Cross-examination.*

Question. You have stated that many ballots were received by the other two judges, and laid by them on the table behind the ballot box, please state whether these ballots were deposited in the box to your knowledge, and counted by the judges as legal votes?

Answer. They were not put in the box to my knowledge while I was there, and I was not present when the ballots were counted.

Question. Did the judges, to your knowledge, reject the votes of any of the legal voters of the fifth ward?

Answer. They did not.

Question. Did the judges of election of the fifth ward, to your knowledge, receive any illegal votes?

Answer. I do not know they did, except the one that I have stated of Levy, which I supposed to have been illegal, but I did not know it to be such at the time it was taken.

Question. Do you now know that that vote, deposited by the man with a blue cravat, called Levy, was an illegal vote?

Answer. He is the person who, as I have since learned, kept or keeps the "Tenth Ward House" in Holliday Street.

Question. Can you now say, that such person was not then a legal voter of the fifth ward?

Answer. I cannot say positively; but I am satisfied that a man cannot live for a year or more in the tenth ward, and vote legally in the fifth ward.

Question. Do you know of your own knowledge, that the man called Levy was not a legal voter of the fifth ward; that is to say, the man you saw vote?

Answer. There is no such name as that, "Levy," on the register of the fifth ward voters.

Question. The sixth cross-question is again repeated to the witness, and he is asked to answer it, the foregoing answer not being deemed by Mr. Ing an answer to the question as put, and to that end it is again repeated?

Answer. Of my own knowledge, I do not.

Question. Did you vote at the election of November 2d, 1859, at the fifth ward polls?

Answer. I did.

Question. Did you see any of your personal acquaintances on November 2d, 1859, who were entitled to vote at the fifth ward polls, prevented from depositing their ballots with the judges of election?

Answer. I did.

Question. Who were they, and what were their names?

Answer. One was a Mr. Lowman; his clothing store is on Gay near High Street; I don't know his residence, I think it is over his store; one was *Lawrence Kees*, his residence is on the north

side of High Street, three or four doors east of Gay Street ; these are all of my personal acquaintances that I recollect at this time as prevented from voting ; they were at the curb-stone making their way up to the window, and were pushed out.

Question. Seeing your personal acquaintances so prevented from voting, and you being a judge of election, why did you not insist on the window being closed, and the voting stopped until those gentlemen had deposited their votes, you knowing them to be legal voters ?

Answer. The reason why, was this, I saw we were all in chaos, the police officers wouldn't pay any attention, they were in complicity with the rowdies, and there wasn't a decent man by the side of the window that I could summon to act.

Question. Still the question put as the eleventh cross-question is not answered ; you have been asked why you did not insist on the window being closed, and the balloting stopped, seeing your two personal acquaintances prevented from getting to the window ?

Answer. They were near the curb-stone, and I did not know, as judge of the election, that I had any thing more to do with personal acquaintances than with any others entitled to vote.

Question. Had you a register of the Reform voters of the fifth ward at the time you were judge of election of that ward on November 2d, 1859 ?

Answer. No, sir ; I had a register of what was supposed to be the legal voters of the ward, but the two other judges said they did not recognize it at all, and I did not make use of it all, except I looked at it in one case of a man who gave his name Andrew Haggarty, and I looked on the register, and found the house mentioned by him as his residence, marked as " negroes."

Question. Had you assisted in making that register, and did you know of your own personal knowledge, that it was correct ?

Answer. I assisted in making it before I was appointed judge of the election, and so far as my own block was concerned, I know it was correct.

Question. You have stated in answer to the third question in chief, that at the opening of the polls you saw the complexion or character of persons crowding in and around the polls, and you have said that they were mostly of rowdy elements ; be kind enough to state whether they were American citizens, and voters whose votes you permitted to be deposited in the ballot box ?

Answer. No, sir ; they were not voters, they may have been American citizens, but many of them were not twenty years of age, and did not reside in the ward.

Question. What is the population of the fifth ward ?

Answer. I suppose about three thousand six hundred, or four thousand. I draw my conclusion from the supposition, that one-sixth of the entire population are voters.

Question. Do you know personally all the white men composing the male population of the fifth ward?

Answer. I do not.

Question. Do you, personally, know all the Reform men of the fifth ward?

Answer. I do not.

Question. Do you know all the Reformers of the fifth ward by sight or name?

Answer. I do not.

Question. Do you know all the Know-Nothings or "American" voters of the fifth ward by sight or name?

Answer. I do not.

Question. Was there, to your personal knowledge, an arsenal or deposit of firearms for the use of the American party, in the neighborhood of the fifth ward polls on November 2d, 1859?

Answer. I have no personal knowledge on the subject.

Question. What was the vote of the Reformers on November 2d, 1859, as returned by the judges of the election of the fifth ward?

Answer. I only know from the newspapers.

*Examination on both sides concluded.*

BALTIMORE, December 9, 1859.

The foregoing has been read to me, and is correct.

G. W. MOWBRAY.

Test—DANIEL E. MYERS, J. P.

JAMES SLOAN, JR., a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you a resident and legal voter of the fourth ward of the city of Baltimore, on November 2d, 1859?

Answer. I was.

Question. Did you go to the polls of that ward on that day, and if so, how long did you remain there?

Answer. I went there for the purpose of voting, and remained there about half an hour. I went there at half-past nine.

Question. State fully whether you, or any of your acquaintances, or other persons, to your knowledge, experienced any difficulty or obstruction in voting; and if so, what was such difficulty or obstruction; by whom committed, and to what extent?

Answer. I went towards the window and got to the barricade, and was told to go away, I couldn't vote. The access to the barricade was blockaded by ruffians or rowdies; I pushed and

got to the window, and was pushed from it back to the street; I tried it the second time with the same success; I tried it the third time, and in trying to get to the window, it was impossible for me to get up without pushing against or coming in contact with some one, and the cry was made, "Who are you pushing?" and then an attack was commenced. I was struck at several times by three persons. I got as far as the window again, and was pushed out again; after that I was allowed to go to the window and vote unmolested. There was none of my friends, at the time I was there, who failed to get their votes in, nor did any of them, while I was there, attempt to vote; the demonstration there was of such a character, that no timid man would attempt to vote. Several of my friends were there. I know of my own knowledge, that the persons who obstructed the barricade were Know-Nothings—I know them.

Question. While obstructing the barricade were they voting or attempting to vote themselves?

Answer. They were not voting themselves, nor attempting to vote, but merely obstructing the barricade to prevent me from voting, for I was the only person at that time attempting to vote, and they knew me to be entitled to vote, for they all knew me.

#### *Cross-examination.*

Question. Where do you reside, and how long have you been a voter of the fourth ward?

Answer. I was born in the ward; have never lived out of it, and have voted there three years; South High Street, No. 98, is my residence.

Question. Whilst you were at the polls, did you see the judges reject any legal voters?

Answer. I did not.

Question. Whilst you were at the polls, did you see the judges receive any illegal votes?

Answer. I did not.

Question. Was there any display of firearms, or any discharge of such while you were at the polls?

Answer. No, sir.

#### *Cross-examination closed.*

*Direct examination resumed.*—Question. While you were at the polls, did you see any vote, except your own, received, rejected or offered?

Answer. I did not.

#### *Examination on both sides concluded.*

BALTIMORE, December 9, 1859.

The foregoing has been read to me, and it is correct.

JAMES SLOAN, JR.

Test—DANIEL E. MYERS, J. P.

Adjourned to Saturday, December 10, 1859.

SATURDAY, December 10th, 1859.

STEPHEN BRIDGE, a witness of lawful age, produced on the part of the contestants, being by me duly sworn, deposes and says :

*Examination in chief.*

Question. Were you a resident and legal voter of the fifth ward of the city of Baltimore on November 2d, 1859?

Answer. Yes, I was.

Question. Were you at the polls of that ward on that day?

Answer. I was there.

Question. In what capacity?

Answer. As clerk of election.

Question. Please state your position in the judges' room with reference to the window?

Answer. I sat opposite the window, facing it; about the middle of the room, as far as depth is concerned; rather more to the right than left.

Question. Did you hear any threats made against the judges, and see any effort made to intimidate them by any persons; if so, by whom, and with what political party, if any, were such persons connected?

Answer. I heard many threats made against the judges by members of the American party, whom I knew, of my own knowledge, to be such; they threatened to pull them (the judges) out of the window; called them (the judges) "sons of bitches," and such language, demanding that they (the judges) should put certain votes in the box, which they (the persons threatening) supposed were not put in the box by the judges, and in one instance, when one of them (the members of the American party) demanded the Bible to be brought to the window to swear a man, he took the Bible and threw it away over the crowd.

Question. State any other threats you may have heard, if such there were?

Answer. I don't recollect any.

Question. Did any of this party attempt to get into the judges room?

Answer. They tried to get into the window, and one of them had his head in; then the judges wanted to close the window, and were trying to shut the shutters, when the fellows outside took the shutters off, so that the shutters should not be shut during

the day, I suppose ; they took the shutters away, and kept them off till night.

Question. About what time of day was it, that they took the shutters away ?

Answer. Before twelve o'clock.

Question. Did you see any vote taken there, which you believed to be illegal ?

Answer. I saw one taken there which I believed to be illegal [hundreds which I doubted].

The latter part of the foregoing answer inclosed in brackets is excepted to by Mr. Ing, as not being responsive to the question put, and on the ground that the belief of the witness is not evidence.

Question. State the circumstances attending the reception of the illegal vote, which, as you say, you believed to be such ?

Answer. A man offering to vote, gave some name which I did not hear ; there was some demur by the judges, and then he gave his name as " E. Levy."

Question. Will you state what peculiar mark, if any, you saw about this man who gave his name as E. Levy ?

Answer. He had a large scar on his jaw.

Question. Have you had this man pointed out to you as any person, and under what name ?

Answer. In the square during the mass meeting he was pointed out to me as " Ras Levy."

Question. Was his ballot deposited into the ballot-box ?

Answer. It was deposited in the box.

Question. Have you any other reason for supposing this person to have been Erasmus Levy, than the reason you have mentioned ?

Answer. In passing me in the square, before I asked who it was, the man's likeness to his father and mother, whom I have known for a long time, before Erasmus Levy was born, presented itself to my mind, and I asked then who he was, and I was told that he was Erasmus Levy.

Question. Had this party of whom you spake possession of both sides of the window and the front ?

Answer. All the time, except early in the morning.

Question. From what hour ?

Answer. Before eleven o'clock.

Question. Was this party there all day for the purpose of voting themselves ?

Answer. I cannot answer that question.

Question. The seventeenth is repeated with the addition, and if not how did they employ themselves ?

Answer. Sometimes the window was crowded, then they would inquire how many votes were taken, and then in a little while after that we had as many votes coming in as we could write down for awhile.

Question. Did this party obstruct any persons in their approach to the window?

Answer. They did ; in two particular instances ; they did obstruct persons whom I knew to be legal voters of the ward, and whom they knew too to be such ; one of these two was ten minutes trying to get in his vote, and no one else voting at the time ; his name was "John Ely," and the judges utterly refused to take in any other vote until that vote was got in, and then in that way the vote was got in ; the other man's name was William R. Barry ; he had considerable difficulty, but not so much as Ely ; there were many others whom I did not know obstructed in their efforts to vote ; Barry did vote.

Question. Was there a considerable number of ballots received by the judges of election, which were not put in the ballot-box?

Answer. Some few, not very many.

Question. Calling your attention to that part of your answer to the fifth question, in which you say that the judges were threatened with violence "if certain votes, which they, the parties threatening, supposed were not in the box—were not put in by the judges ;" I now ask you whether the votes to which they referred had been or not deposited in the box?

Answer. Some of them had been and others of them had been thrown down behind the ballot box.

### *Cross-examination.*

Question. Did you vote on November 2d, 1859?

Answer. I voted.

Question. Were you the clerk selected by the Reform judge, Mowbray?

Answer. Yes, sir.

Question. How long did you remain at the polls?

Answer. From nine o'clock, A. M., until half-past twelve at night.

Question. Have you personal knowledge that the judges rejected any legal voters?

Answer. No, sir.

Question. Have you personal knowledge that the judges received any illegal votes, except the man's of whom you have spoken, as having giving the name E. Levy?

Answer. No, sir.

Question. Was there a barricade in front of the fifth ward polls?

Answer. There was no barricade.

Question. What is the width of Fayette Street as compared with the width of the rest of the streets of the ward?

Answer. It is about the average width.

Question. Is it not as quiet and respectable a street as any in the ward?

Answer. As a general thing it is a quiet street, and as respectable as any in the ward, but for election purposes, I should think it too near to the fourth ward polls ; it is on the extreme southern boundary of the ward ; on the night before or during the early morning of the election, the windows of the Reformers' houses were broken in the vicinity of the polls ; as I was going down to the polls on that morning, I saw the broken windows and the marks of the brickbats on the fronts of the houses.

Question. Did you see the breaking of the windows alluded to above by you, or do you know of your knowledge who the parties were who did it ?

Answer. No.

Question. Which of your personal acquaintances were prevented from voting at the fifth ward polls on the 2d of November, 1859, after being at the polls and trying to vote ?

Answer. I don't know any.

Question. Were there not during the day, between nine o'clock A. M., and six o'clock, P. M., various pauses during which no votes were received at the window by the judges in consequence of no legal voters presenting themselves to offer to vote ?

Answer. Yes.

Question. How many such intervals do you remember ? Were there many between two and six o'clock, P. M. ?

Answer. I can't tell how many ; between two and six o'clock there were some three or four perhaps more such intervals.

Question. Why did you remain at the polls until half-past twelve o'clock at night ? What were you doing there after six o'clock ?

Answer. I was keeping tally as the votes were counted ; acting as one of the clerks of election.

Question. How long have you lived in the fifth ward ?

Answer. Eighteen years, I suppose.

Question. Have you been engaged in business in that ward for that length of time ?

Answer. Yes, sir.

Question. Did not a police officer take the shutters away from the rowdies when they had taken them off the windows ?

Answer. I don't know who took them away ; the judges told some one to take care of them that they were not broken, as we would have to pay for them ; I mean, we, the judges and clerks.

Question. Was the request of the judges heeded ?

Answer. I suppose so, the shutters were put back again at night.

Question. Do you know of your own knowledge, where the man who gave his name as E. Levy is entitled to vote, if at all, in the city of Baltimore ?

Answer. I don't know where he resides, but certainly not in the fifth ward.

Question. Do you know of your own knowledge that he does

not reside in the fifth ward, and that he did not lodge in that ward for six months previous to November 2d, 1859?

Answer. I could not answer that question without having been with him.

Question. How can you possibly say, confining yourself to your own personal knowledge, that he does not certainly live in the fifth ward; do you mean to be understood as asserting positively that you know every man in the fifth ward?

Answer. I don't know every man in the fifth ward; the reason I said that he did not certainly live in the fifth ward was, that such is my acquaintance in the fifth ward that a man of his character, well known, could not possibly live or sleep in that ward for six months consecutively without my knowing or hearing of it.

Question. You have said in answer to the 20th question in chief, that some few ballots received by the judges were not put into the ballot box; please state whether these were votes of the Reformers.

Answer. I think not.

Question. Do you know or believe that a single Reformer's vote was not deposited by the judges in the ballot box which was received by the judges?

Answer. No.

Question. As you have not explained the conduct of the judges in not putting into the box such ballots, please explain the circumstances.

Answer. Such was the excitement and the intimidation of language used by the men outside that the judges were afraid to refuse them, and so took them to allay the excitement; believing them not to be legal votes, did not put them into the box.

Question. What became of such ballots received, which were not put into the box by the judges?

Answer. At a time when some of them were trying to get in at the door, I myself fearing that they might see the ballots on the floor and make a row, took them up and put them into the fire.

*Examination on both sides closed.*

BALTIMORE, December 10, 1859.

The foregoing deposition as taken and here written is correct.  
STEPHEN BRIDGE.

Test—DANIEL E. MYERS, J. P.

WILLIAM G. RAY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Are you a legal voter of the city of Baltimore, and if so of what ward?

Answer. I am, and of the fifth ward.

Question. Did you go to the polls of the fifth ward on November 2d, 1859, and if so for what purpose?

Answer. I did for the purpose of voting.

Question. Did you vote?

Answer. I did.

Question. State how many efforts you made before reaching the window and depositing your ballot, and relate the difficulties, if any, which you encountered in reaching the window.

Answer. I made four efforts; the first time I got about half way to the window, I was thrust out to the gutter; the second time I got up about the same distance and they made an attempt to pull my shawl over my head; I then broke the hold of the pin of my shawl, and some one behind me took the shawl and I put the pin in my pocket, and some one called out, "Strike him, he's drawing a pistol;" the crowd then ran me down nearly as far as High Street, then I came up with a sergeant of police and was attempting to put in my ballot when it was pulled from my hand; the police officer instead of helping me to get in my vote did all he could to prevent it, shoving with the rest of the crowd; I went up a fourth time; a Reform gentleman was standing by, and he gave me a ticket and I voted it.

Question. Where was this Reform gentleman standing when he gave you the ticket?

Answer. He was standing near the window; he had been following me up almost every time I tried to get up.

Question. What time in the day was it that you voted?

Answer. I suppose it was about half-past nine o'clock, A. M.

*Cross-examination.*

Question. How long were you at the polls altogether?

Answer. Not more than fifteen minutes altogether.

Question. Did you procure your ticket with ease on the ground, at the polls, I mean?

Answer. The first ticket I had I obtained before going to the polls; the ticket I voted I procured on the ground.

Question. Have you personal knowledge of any illegal voting, or of the rejection by the judges of any legal voters at the fifth ward?

Answer. I have not.

Question. How long have you lived in the fifth ward?

Answer. More than two years.

Question. Were any of your personal acquaintances prevented from voting at the fifth ward after making persistent efforts to vote?

Answer. I know of two men who told they had been prevented from voting.

Question. Please give their names?

Answer. Lawrence Kees, and a German named Kraus; I don't know his christian name.

Question. Do you know Kraus to be a legal voter, personally, of the fifth ward?

Answer. I don't know it personally; I couldn't swear it; I have only known him two years, and he has been living in that ward during that time; I do not know how long he has been in this country.

*Direct examination resumed.*

Question. State whether the men Kees and Kraus stated to you that they were prevented from voting by violence?

Answer. They did state that they were shoved out and struck.

Question. When you went up to the polls, were any votes being taken by the judges?

Answer. I don't think there was.

*Examination on both sides.*

BALTIMORE, December 10, 1859.

The foregoing deposition, as written, is correct.

WILLIAM G. RAY.

Test—DANIEL E. MYERS, J. P.

JOSEPH CLARKSON, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you a resident and legal voter of the fifth ward of the city of Baltimore, on November 2d, 1859?

Answer. I was.

Question. Did you go to the polls of that ward on that day, and if so, at what hour, and how long did you remain there?

Answer. I went there about nine and a quarter o'clock, and I remained probably three-quarters of an hour.

Question. State whether you, or any of your acquaintances, or other persons, to your knowledge, experienced any difficulties or obstruction in voting, and if so, what the nature and extent of such difficulty or obstruction, and by whom committed?

Answer. The polls at the window appeared to be in the pos-

session of a parcel of rowdies, who called themselves of the "*American*" party; I found it impossible for to vote while they were there in possession of the window; there was a rush made from the window after some one, and just at that time I slipped in my vote; during the time I was there I considered it impossible for any one of the Reform party to have voted, unless he fought for it; our candidate, that of the Reform party, I mean, named Hays, as soon as he appeared there, upon the ground, the police officers got after him and chased him away, calling him an eighth warder; they were not after him to arrest him; at the same time a man struck my son, standing quietly in the street; I seized the man who struck him, and then I got most tremendously beat, and the police officers hammered away at me too; I was carried down to the watch-house by the collar, and remained there about a quarter of an hour, and then I was let out on \$500 bail; the next morning the acting Mayor refused to hear any of my testimony, and dismissed the case on the evidence of the police; my son was also arrested at the same time and carried off, and he was discharged in the same way; I saw the assault upon young Mr. Ray, who was there at the same time, and my son assisted him in getting his vote in.

Question. Did you see any other persons molested or hindered from voting, than those you have mentioned?

Answer. I saw several persons attempt to vote, who were driven away; the judges were trying all they could to quiet the crowd and to get them to make way for the voters; I did not know the persons who were trying to vote.

Question. Was there any effort on the part of the police to quiet the crowd, keep open the polls, or protect the citizens?

Answer. To the contrary, the police appeared to head the rowdies openly.

Question. State if you know whether any persons were deterred from voting by the riotous and disorderly appearance of things at the polls, or from approaching the polls to attempt to vote?

Answer. I don't know of any, except from hearsay.

### *Cross-examination.*

Question. How long were you in fact on the pavement immediately before the judges' window, attempting to vote, before you got your vote in?

Answer. I was there some fifteen minutes or twenty, trying to get my vote in, and was constantly pushed and shoved backwards and forwards; there was one man in particular who stood before me, turn which way I would; he seemed to have a particular spite against me, not to let me get my vote in; I appealed to him to let me get by him, but he steadily opposed; I don't be-

lieve I should have been able to vote at all but for the rush from the window, made as I have stated, and then seeing a chance, I slipped in my vote ; I call that voting by stealth, seeing I couldn't vote openly.

Question. Was your son, of whom you have spoken, a voter, and did he vote ?

Answer. He was a voter, and I heard him say he had voted before I went there.

Question. Was Hays, the candidate of the Reform party, a resident of the fifth ward ?

Answer. I have no knowledge of that fact.

Question. Those persons whom you saw molested or hindered from voting, did you know them of your own knowledge to be legal voters of the fifth ward ?

Answer. I did not know them at all ; they were not suffered to approach the windows so as to be questioned by the judges ; they were hustled away.

Question. Do you know that the judges rejected any legal voters of the fifth ward on November 2d, 1859 ?

Answer. I do not.

Question. Do you know that the judges received on November 2d, 1859, any illegal votes ?

Answer. I do not.

Question. Was the conduct of the judges of election, in your opinion, during the time you were there, improper in any wise ?

Answer. I did not see anything improper ; Mr. Mowbray, the Reform judge, appeared to exert himself all he could to keep the polls open.

*Direct examination resumed.*

Question. So far as your own observation extended, were the persons who were obstructing you, and the others of whom you have spoken, making any effort to vote themselves, or was their conduct apparently directed solely to the obstruction of voters, whom they supposed to be not of their own party ?

Answer. I saw none offer to vote of them at all ; their sole effort seemed to be to keep voters, Reform voters, away from the polls.

BALTIMORE, December 10, 1859.

The foregoing deposition, as written, is true and correct.

JOS. CLARKSON.

Test—DANIEL E. MYERS, J. P.

BALTIMORE, December 12, 1859.

JOSHUA VANSANT, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you a resident and legal voter of the city of Baltimore, on November 2d, 1859, in the fifth ward ?

Answer. I was.

Question. Were you at the polls of that ward, on that day, and if so at what hour did you go, and how long did you remain ?

Answer. I was at the polls on that day ; reached there about nine and a half o'clock, A.M. ; remained until after eleven o'clock A.M.

Question. While you were there, was there any obstacle to a fair, free, and honest ballot by the voters, and if so, what was it.

Answer. There was, when I reached the polls ; I found it blocked up in front and at the side by a gang of rough looking men, several of whom I recognized as ruffians, having witnessed their acts of lawlessness on former similar occasions, some of whose characters are notorious because of their acts of lawlessness ; there appeared to be a preconcerted and systematic effort to exclude such votes as were not agreeable to them, whilst men who were brought up by their own party, found ready access to the polls ; several whom I recognized as Democrats, attempted to find access to the polls ; I saw them forced out violently without having been able to deposit their ballot ; among the gang was a man they called "*Graham*" (they told me that was his name), whose position was on the skirt of the gang which had blocked up the polls ; his office seemed to be, to watch the approach of parties towards the polls ; in very many instances I saw him stand, place himself in front of the party approaching, as the party reached the margin of the crowd, pushing his back in contact with the voter, who was attempting to reach the polls, and shifting his position from the right to the left, as the party desiring to vote would move for the purpose of passing around him in order to get up to the polls ; in several cases, when the party made a quick movement to one side or the other, and succeeded in forcing himself in advance of *Graham*, the latter would force himself into the crowd, seize hold of one of his own party, and dash him against the voter, which seemed to be the signal for a general rush, in consequence of which the voter was forced into the street, and excluded from voting ; there seemed to be another party, whom they called "*Jack Wallis*," whose special business it seemed to be, to follow up the persons thus excluded, and assault them with blows ; I saw *Wallis* pursue several as far

as the corner of Exeter Street. When he commenced the assault, he would cry, "hey! hey!" which seemed to be the signal for a general attack upon the person thus driven away from the polls; these acts were frequent, and followed each other in close succession; there were several police officers present on the occasion, who certainly must have witnessed these scenes; I called upon one of them, who bore the figures 200 on his cap, and observed to him, "don't you see that man beating that citizen" (he was looking towards him at the time), "why don't you arrest him;" he raised his head and strutted off; the crowd about the polls were exceedingly turbulent; on one occasion, I noticed about five or six very rough looking men, who looked like those who are termed "loafers," march up towards the polls in single file, preceded by one or two of the men who were noisy about the polls; they found no difficulty in reaching the window, an opening having been made for them; the first or second one, I can't say positively which, from some cause or other, his vote was refused; the crowd then made a great noise, and I heard them swear loudly, "that he was a good voter, and that no other vote should be taken until his was deposited;" they seized the solid window shutters, and either lifted or tore them from the hinges, and seizing one of the shutters, put it into the judges window with much force, as though it were to be used as a battering ram; other parties laid hold of the shutters, and prevented what the more imprudent seemed desirous of consummating; the shutters were subsequently taken across the street; during this time several of the police officers were present, and no arrests were made of the turbulent parties so far as I witnessed; I heard Judge Mowbray, on more than one occasion, call upon police officers and at one time, designated one of them by the number on his cap, to arrest a man whom he pointed at, and whose name is said to be "*Block Kenney*;" I saw none of these parties arrested, and heard this officer whose number was so called, say, "I'll be damned if I'll take him, my place is here;" his position there was about six feet from the northern curbstone.

Question. With what political party, if any, were those persons connected, and what class of tickets did they exclude?

Answer. They were of what they call the "American" party; they excluded men whom I recognized as Democrats, who desired to vote the Reform ticket.

Question. Why did you leave the polls?

Answer. I believed that any efforts to obtain a fair expression of the sentiments of the voters would be fruitless, and for that reason I left the polls and advised others, who were politically associated with me, to do the same thing, believing that all votes received were received at the discretion of those who had possession of the polls, and not at the discretion of the judges.

*Cross-examination.*

Question. Did you vote ?

Answer. I did.

Question. Did your son, who was a legal voter of that ward, vote ?

Answer. Yes.

Question. Did you see the judges reject any legal voters of the fifth ward on November 2d, 1859 ?

Answer. Not that I am aware of.

Question. Did you see the judges receive any illegal votes that you personally knew to be such ?

Answer. I did not.

Question. Which of your personal acquaintances, legal voters of the fifth ward, were unable to vote after persistent efforts so to do ?

Answer. There were several whose names I cannot call up to my memory, but I distinctly recollect John Smith, who is a gentleman that has resided within a few doors of me for the last ten years, and also Mr. Lowman, a merchant in North Gay Street.

Question. Are these two gentlemen, whom you have named, all of your personal acquaintances, who, to your knowledge, after persistent efforts to vote, were prevented from so doing ?

Answer. There were several others who were prevented, whose names I cannot now recall to my memory, but whose faces are familiar to me as residents and legal voters of the fifth ward.

Question. Please state how many you embrace under the term *several* ?

Answer. Eight or nine, or in that neighborhood.

Question. Have you a personal knowledge that in the fifth ward there was an organization of the Reformers of the fifth ward, and that a committee was appointed to attend the polls, and did attend, in order to get in the Reform votes ?

Answer. I know that there was an organization of the Reformers of the fifth ward, and that a committee was appointed to attend the polls of that ward ; but how many of that committee attended, or how long they remained at the polls, I cannot say.

Question. Was there a display or a discharge of firearms at the fifth ward polls whilst you were there ?

Answer. I saw no firearms and heard no report of a discharge of firearms.

Question. Please state the number composing the Reform organization of the fifth ward, if in your power to do so ?

Answer. Explain the term *organization*.

Question. You have said in answer to the eighth cross-question, that there was an organization of the Reformers of the

fifth ward ; now it is desired to know the number of those who actively participated in that organization, and hence the tenth question.

Answer. I have no knowledge of any written registration of the Reform voters of that ward, and having attended but two, or at the outside three, meetings held in that ward, I am not able to testify as to the numbers embraced in the organization, save from the numbers present at the meetings which I attended, the largest of which did not exceed fifty persons.

Question. At this meeting in the fifth ward, at which, as you think, not more than fifty persons were present, have you personal knowledge that they were all legal voters of the fifth ward, and all positively determined to vote the Reform ticket at the election on November 2d, 1859, if it were possible for them to get to the window on that occasion ?

Answer. I recognized many of them as voters of the ward, but could not say that I knew every man in the room, and hence I could not say whether he was or not a legal voter ; I had no means of ascertaining *the real determination* of the parties present, except the fact of their voting upon questions before the body, and their having come to the meeting under the public call ; I cannot judge of the real determination of a man other than by his acts, the ostensible one I might ; I cannot penetrate the human mind to ascertain its real determination.

Question. In your answer to the third question in chief, you have stated that you "saw several, whom you recognized as Democrats, forced out violently, without having been able to deposit their ballots," please state how many in all whom you recognized as Democrats, and legal voters of the fifth ward, were so unable to deposit their ballots ?

Answer. I suppose some eight or nine, whom I personally knew.

The witness desires to add in explanation to his answer to the first and second cross-questions in connection with that portion of his statement ; in answer to the fifth question in chief, that "all votes received, were received at the discretion of those who had possession of the polls and not at the discretion of the judges," I meant to say, "that my son and I approached the polls together, I watched for an opportunity when there were no parties offering to vote, and forced my way with little difficulty through the side of the crowd, near the window, Judge Abbess observing me, reached his hands over the heads of some of them, and received my vote ; there was an effort, however, to exclude my son Joseph from the window, who was immediately in my rear, by violence, but, John Hudgins, a man well known as a leader of the American party in that ward, and as being familiarly known to the members of that party, exclaimed, "Let Mr. Vansant's son vote," and the crowd gave way, and he deposited his vote.

Question. What was the number of persons whom you saw at the polls, whom you have designated as being lawless characters?

Answer. There were not less than twenty or thirty.

*Examination on both sides closed.*

BALTIMORE, December 12th, 1859.

Correct.

JOSHUA VANSANT.

Test—DANIEL E. MYERS, J. P.

DR. CHARLES H. BRADFORD, a witness of lawful age, produced on the part of the contestants, having been duly sworn, deposes and says:

*Examination in chief.*

Question. Were you a resident and legal voter of the sixth ward of the city of Baltimore, on November 2, 1859?

Answer. I was.

Question. Were you at the polls of that ward on that day, if so, at what hour and how long?

Answer. I went to the polls at a quarter before nine o'clock, A. M., and remained there until half-past eleven o'clock, A. M.

Question. Was there any obstacle to a fair and honest ballot by the voters of that ward on that day, and if so, what was it?

Answer. I consider that there were many obstacles to a fair and honest expression of the voters' wills; in the first place, the place of holding the polls was an inappropriate one, being in the immediate vicinity of the house kept by Richard Pryor, the head-quarters of the "Ashland Club" (which was currently reported and generally believed to be filled or well supplied with arms); in the second place, acts of violence and intimidation practised at the polls, persons having been repeatedly stricken and knocked down in their efforts to reach the window without provocation.

Question. Was the access to the polls free and open, or otherwise?

Answer. The access to the polls was open for the space perhaps of half an hour, the first half hour after opening the polls; after that time, the space which had been kept open for access by the voters, was effectually taken possession of by some half dozen men, members of the clubs of the ward, who permitted no one to vote, except such as they thought proper; remonstrance was made to this by members of the Reform party, and we were told to "hold our damned mouths, or none of us should vote."

Question. Who were the parties who took possession of the polls as you have stated?

Answer. Members of the "Pioneer and Ashland Clubs," or so reputed to be, for I do not personally know them,—and they were acting for and with the "American" party.

Question. Was the taking possession of the polls by them for the purpose of securing their own votes, or merely for the purpose of obstructing others?

Answer. Clearly for the purpose of obstructing others.

Question. Why did you leave the polls?

Answer. After repeated remonstrances with the active members of the American party, and not being able to secure the vote of any one whom they chose to refuse, and that we might avoid any actual collision with them, after consultation, we, the Reformers, concluded to retire, and most of us did so about half-past eleven o'clock, A. M.

Question. Did the police make any effort to open the gangway, and protect those whom you saw struck, and secure a fair ballot?

Answer. So soon as the polls were opened, the police deposited their ballots successively in a body, and immediately retired from the polls; I saw none nearer the polls than Aisquith Street, some sixty or eighty yards off, during the day while I was there; I saw no arrests made, except of a young gentleman on crutches.

Question. Under what circumstances was this arrest made?

Answer. I am not fully prepared to say; there was a melee in which this young man, and one named Hyde were engaged; Mr. Hyde drew a pistol and flourished it in the street, which was the only weapon I saw displayed that day,—and the young man on crutches was arrested, and Hyde was not; I had seen Hyde before that vote the American ticket.

### *Cross-examination.*

Question. Did you vote?

Answer. I did not.

Question. As you have stated in answer to the examination in chief that for the first half hour after the opening of the polls there was free access to them, please state why you did not vote?

Answer. I did not vote during the first half hour from the fact that the window was greatly crowded, and I preferred waiting for a quieter opportunity, when there would be less crowding; I did not vote afterwards from the fact that demonstrations at the window were such that I did not consider myself justified in encountering the risk necessary to get in my vote.

Question. Did you make any persistent effort to vote, and if so what and how long did you continue such efforts?

Answer. I did not.

Question. Whilst you were at the polls some two and a half hours, did the gentlemen who were with you and who were Reformers make any persistent effort to vote?

Answer. Many of them did.

Question. Did any of them, after persistent efforts to do so, get in their ballots?

Answer. *Some* of them did.

Question. Could you not have got within speaking distance of the judges, so as to have said to them that you desired to vote, and so that they plainly could have heard your voice?

Answer. I could not have got very close to them; I might have halloed to them across the street, but the term *speaking distance* is so indefinite, that I hardly know how to answer the question.

Question. Where were the polls held?

Answer. In McElderry Street, a short distance from Aisquith.

Question. Is not that a sixty foot street or wider?

Answer. I don't know its precise width; it is a wide street.

Question. Whilst at the polls, where did you stand, on the pavement in front of the judges' window, or elsewhere?

Answer. Upon the pavement, but not in front of the judges' window.

Question. How many feet distant from the judges' window?

Answer. Some five or six feet perhaps, laterally, without having a view of the judges.

Question. Did you occupy such a position for two or more hours consecutively without once having an opportunity of getting closer to the judges?

Answer. I did not occupy that position during the whole time I was at the polls; I was in that position perhaps for an hour and a half only; the balance of the time I was not on the pavement, but generally in the street; during the time I was on the pavement, I could not have approached the judges any nearer than the position I held.

Question. Whilst so occupying such position for an hour and a half, did you make any effort to vote, and if so, what?

Answer. I made no effort to vote while in that position.

Question. Did you hold Reform tickets whilst so standing there for that time?

Answer. I did.

Question. Did parties obtain such tickets from you whilst you were standing there?

Answer. They did.

Question. Whilst so standing there for an hour and a half, did you see the judges receive any illegal votes, which you knew to be such?

Answer. None that I *knew* to be such.

Question. Did you see the judges refuse to receive the votes from any legal voters of the sixth ward?

Answer. None that I am aware of.

Question. Which of your personal acquaintances that attempted

to vote, and made persistent and continuous efforts so to do, were prevented from voting; please name the persons?

Answer. I do not know that I can name any of them; there was a gentleman named Brown who was pushed away, but I do not know whether he voted the day or not; at that time he did not vote.

Question. What number of persons can you specify as having been pushed away and unable to vote after attempting to do so?

Answer. During the time that I remained in the vicinity of the window (some hour and a half) there were perhaps some eight or ten.

Question. Have you a personal knowledge that these persons, or any of them, are legal voters of the sixth ward; and if so, how many of them?

Answer. Several of those persons I have known as residents of the sixth ward, and I have always regarded them as voters; whether or not they were legal voters there, I am not qualified to say.

Question. Whilst you were on the ground, some two hours or more, was there any discharge of firearms?

Answer. There was not.

Question. Was there any display of firearms; if so, under what circumstances?

Answer. There was not, to my knowledge, except in the case of Hyde, the circumstances of which I have above given.

Question. Do you know the provocation, if any, given, inducing him to draw a pistol?

Answer. I do not.

Question. Did you hear from any member of the American party that arms were stored, on the day of election, at Pryor's?

Answer. I did not.

Question. Do you remember the name of the person who informed you that there were firearms stored at Pryor's?

Answer. I do not; I heard from a variety of sources, but do not recollect the name of any particular individual.

Question. What was the political bias of the persons so circulating such report; were they or not acting with the Reformers?

Answer. They were.

Question. So far as your own personal knowledge and observation are concerned, did you not discover such report to be without foundation?

Answer. I did not see any arms from that house *used* while I was at the polls.

Question. Was there any display of firearms in or about that house whilst you were at the polls?

Answer. I was not nearer to the house than the polls, and I saw no display of arms at or near the house whilst at the polls.

Question. Did any one beside yourself hold Reform tickets at those polls; if so, how many?

Answer. Yes; perhaps some eight or ten.

Question. Did the Reform party abandon the sixth ward polls before twelve o'clock, by withdrawing their ticket holders and other parties comprising the Reform organization at such polls?

Answer. I think, as a general thing and by common consent, they did abandon the contest; I left some of them there, but don't know how long they stayed.

Question. What number of Reformers were at the polls at any one time during the morning?

Answer. I suppose about thirty to forty.

Question. You having held tickets at the polls with some seven or eight persons, please state whether this was pursuant to a Reform organization of the ward, with the design, if possible, to secure in that ward the election of the Reform ticket there?

Answer. It was, sir.

Question. Did you attend the Reform meetings, or any of them, in the sixth ward, and if so, what was the greatest number of persons you saw at one time in attendance upon such meeting?

Answer. I did attend such meetings; the largest embraced some fifty persons.

Question. Was there or not a barricade at these polls?

Answer. There was not.

Question. What number of persons were stricken down or ill-treated at the sixth ward polls before the Reformers withdrew in a body?

Answer. Some five or six.

Question. Was there or not in attendance at the sixth ward polls whilst you was there, generally, some twenty or thirty of the Reformers?

Answer. As a general thing there were not more than twenty, sometimes there were more.

Question. As a general thing how many of the American party were in attendance?

Answer. From a hundred to a hundred and fifty—one hundred anyhow.

### *Re-examination.*

Question. In answer to the fourth and fifth cross-questions you have said that many of the Reformers made persistent efforts to vote, and that some of them after such efforts did vote; please state at what hour these votes, to which you refer, were deposited?

Answer. During the time I was there, at no particular hour; there was some difficulty on account of the crowd?

Question. Did you attend a Reform meeting held at Marion Hall?

Answer. I did.

Question. Was there any display of violence against the Reformers; if so, state of what character it was?

Answer. I attended the meeting referred to; during the progress of the meeting there was considerable disturbance in the entry of the hall, which created a great deal of excitement, during which time a pistol was fired up the steps leading to the hall; the parties afterwards retired who were implicated in it.

Question. Was there a meeting of "Americans" held in the room underneath the hall that night?

Answer. There was a political meeting of that party held in that room; I do not know whether that was a club or ward meeting.

*Cross-examination.*

Question. Please state whether any person was hurt by the discharge of the pistol referred to in your answer to the third question on re-examination?

Answer. There was not.

Question. How many persons were at the meeting at Marion Hall, which you attended, when the pistol was fired; please state whether more than one pistol was fired, and whether these pistols were discharged at any one to your knowledge?

Answer. About fifty persons attended that meeting; but one pistol was fired; two balls entered the wall near the door of the hall, but I do not know whether the pistol was aimed at any one; during that time there was a crowd about the door of the hall attracted by the persons inside; the crowd to which I refer was inside. I do not know whether any persons were outside the door.

Question. Were these fifty persons at this meeting so alarmed and frightened by one harmless pistol discharged that they immediately extinguished the lights and adjourned their meeting?

Answer. I saw no evidence of fright or alarm in any one, but a good deal of excitement; the lights were not extinguished nor the meeting adjourned until all its business was transacted.

Question. Please explain the position of the door of this room in which the meeting was held in reference to the stairs, or approach to the room; does the door of the hall immediately face the steps, or is it lateral thereto; is Marion Hall in the sixth ward or the fifth?

Answer. The door of the hall opens laterally to the steps; Marion Hall is in the fifth ward.

BALTIMORE, December 12, 1859.

CHARLES H. BRADFORD.

Test—DANIEL E. MYERS, J. P.

HUGH J. MORRISON, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, a legal voter of the city of Baltimore, and if so, of what ward?

Answer. I was, in the sixth ward.

Question. Did you go to the polls of that ward on that day, and if so, for what purpose?

Answer. I went there for the purpose of voting.

Question. How long did you remain there?

Answer. I went there about nine o'clock, A. M., and remained till near one o'clock, P. M.; I then went to dinner, returned at about half-past one, and remained until about five o'clock.

Question. While you were in the vicinity of the polls was there a free and open poll held in the sixth ward?

Answer. By no means.

Question. Why not?

Answer. Because many were not suffered to get up to the window for the purpose of depositing their ballots.

Question. By whom were such persons not suffered to get up to the polls, and how were they prevented?

Answer. By persons who had congregated in front of and around the window; as far as I know them they belonged to the American party; when a voter would approach the window they would crowd in front of him, push him and hustle him out in many instances; I saw persons attempting to get to the window struck by them.

Question. Had this party of whom you have spoken undisputed control of the access to the judges' window, so that they could admit or repulse whom they pleased?

Answer. They had after the first half hour after the opening of the polls.

Question. Did you see among them any individual whom you recognized as belonging to the police of Baltimore city, and if so, were they in uniform or without it?

Answer. I saw some whom I knew to be police officers that had no uniform on during the day, while I saw them, and I saw also police officers whom I knew to be such, in uniform.

Question. Did the police officers, uniformed or not, make any attempt to prevent assaults on voters, or arrest those who committed such assaults?

Answer. Not as far as I saw.

Question. Did the judges of election order the arrest of any person or persons committing assaults in the vicinity of the window?

Answer. None, to my knowledge.

Question. Did you see any illegal voting while you were there?

Answer. I did.

Question. State the circumstances of any such cases as you may have seen?

Answer. I saw a man vote that I know resides in the seventh ward; I saw men voting who are reputed to reside in the tenth ward, and one man that I know resides in the eighth ward, vote twice in the sixth ward; I saw three men, each of them voted at the sixth ward four times to my knowledge; I saw a boy, apparently about fourteen or fifteen years of age, taken up to the polls and voted twice that day; he did it very reluctantly the first time; I went up near the window to see whether he voted; he did hand his ticket to the judge and it was received; in about half an hour afterwards he was brought up again, and I followed him up and saw him vote a second time.

Question. Did you see many other persons deposit their ballots whom, from your acquaintance in the ward, you do not believe to have a right to vote?

Answer. I did on several occasions through the day; I saw men brought in hacks and open wagons, and in one case an omnibus, which came there twice during the day.

Question. Were these persons, whom you have described as voting illegally, obstructed in their approach to the polls by the party who was then in possession?

Answer. They were not.

Question. Were any of these persons whom you have mentioned as illegal voters brought up to the polls by police officers, either in uniform or out of it?

Answer. I saw some of them brought up by officers in uniform, and others by officers not in uniform, on that day.

Question. How many persons came in the omnibus, of which you have spoken, each time?

Answer. I should suppose from ten to twelve.

Question. How long have you lived in that ward?

Answer. Twelve years on January 1st, next.

Question. How long have you held your office as justice of the peace in that ward?

Answer. About six years.

Question. Is there or not a large population in that ward, consisting of naturalized citizens?

Answer. There is.

Question. During the time that you were at the polls, about how many naturalized citizens voted?

Answer. That I cannot say; I can't form an estimate; I saw many of them attempt to vote, and make persistent efforts to do so, but they were driven away, and they did not return while I was there.

Question. Was it generally supposed in that ward before the day of election, that the American clubs had a deposit or de-

posits of firearms in the vicinity of the place where the polls were held?

Answer. I had heard it, sir, so stated before the day of election that there were such deposits, and on the morning of the election, it might have been two or three o'clock, two gentlemen came to my house, and stated that there were some fifty or sixty muskets in the vicinity of the polls, and they wished me to go to the Sheriff that morning to have them removed; and I had frequently heard that there was such deposit.

Question. Were you or not so informed by a member of an American club?

Answer. I was also so informed by a gentleman who is reputed to be, and who on that occasion himself informed me that he was a member of an American club.

### *Cross-examination.*

Question. Did you vote on November 2d, 1859?

Answer. I did.

Question. How many persons, who of your own knowledge were legal voters, can you state, were prevented from voting; please give their names?

Answer. I could not say how many; Mr. John Crystal, for one, who was pushed out several times; Mr. Cronhardt; a man named Trulip; and Mr. Volandt, a musician; I saw him pushed away, and he did not get in his vote while I was there; a man named Maguire, whom I have known for several years, I saw him approach the polls, and a man ran a knife into his thigh—the man who did so is an officer of one of the courts of the city; I saw a German of the name of Eigengreen, and another named “Sauer,” who were hustled away; those are all that I can think of at present; I saw many others whose names I did not know, but who resided in the ward.

Question. How many whose names you did not know, but who resided in the ward, but whom you know of your own personal knowledge to be legal voters, were driven away on November 2d, 1859, from the sixth ward polls, without an opportunity to vote?

Answer. I could not say how many; there might have been fifty or sixty of them.

Question. How many persons whom you knew to be illegal voters, of your own knowledge, had their ballots received by the judges?

Answer. I could not say how many there were, but I should say, from my knowledge of the voters whom I saw come up there and vote, there were some fifty or sixty illegal votes received by the judges.

Question. Were you a candidate for any office on that day at the sixth ward ; if so, for what office ?

Answer. I was Reform candidate for justice of peace.

Question. During the whole time that you were at the sixth ward polls, was there a display of firearms, or a discharge of firearms ?

Answer. I saw a pistol drawn, the only one I saw that day.

Question. Was any one there hurt.

Answer. No, it was not discharged.

Question. What was the name of the member of the American club who told you there was a deposit of firearms in the sixth ward, and please state whether he said it jokingly or not ?

Answer. I am not aware that it was a joke ; he came to my house at about one or two o'clock, on the morning of the election, and told me ; his name was George Flann.

Question. Did you find the story corroborated by anything you saw on the ground, or in the vicinity of the polls, on that day ?

Answer. I did not ; I saw no display of firearms, except as I mentioned before.

Question. Were you at any of the Reform meetings held for the sixth ward, in view of the election of November 2d, 1859 ; if so, what was the largest number of voters of the sixth ward at any such meeting ?

Answer. I was at some three meetings, and I suppose the largest number there would not exceed fifty-five or sixty.

*Examination on both sides closed.*

BALTIMORE, December 12th, 1859.

HUGH J. MORRISON.

Test—DANIEL E. MYERS, J. P.

PETER FITZPATRICK, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Have you, for the last twelve months, resided in the sixth ward of the city of Baltimore ?

Answer. I have resided there for the last eighteen months.

Question. Are you a legal voter ?

Answer. No, sir ; I am not a naturalized citizen ; I am a native of Ireland.

Question. Did you vote at the election on November 2d, 1859, and if so, in what ward ?

Answer. I was compelled to vote the American ticket in the tenth ward.

Question. How many nights previous to the election, did you spend in the tenth ward?

Answer. I was cooped there four nights and three days.

Question. Where and by whom were you cooped?

Answer. It was between Baltimore and Fayette Streets, on Holliday Street, to the best of my knowledge, by this here party of "Ras Levy's and John English's" crowd. I don't know many of them, but I know a few of them.

Question. State the circumstances of your being cooped and having voted.

Answer. They took me on Saturday night before the election, dealt me two blows with a billy on the head and two on the knees, to make me drink liquor. And after they compelled me to drink, they made me take oath on the Holy Evangelists I wouldn't tell anything I saw down there after they let me out. Then they put me down in a big cellar, and took me through a hole in the wall into the next dwelling which was unoccupied on the second story. When I got in there, there were about fifteen in there before me, and from fifteen, up to Wednesday, the number increased until, to the best of my knowledge, they had about eighty or ninety; and on Wednesday morning they took us out, six at a time, to vote the American ticket; I told them I wasn't entitled to a vote, and they said if I wouldn't vote, I should die. There was a good many others that they served in the same way. Knocked them down with billies and slung-shots, and took their money and their watches. I am a good Reformer, and if I had not had a wife and two children, I would rather have died, than have voted their American ticket. As soon as the polls were opened, they were looking out of the windows, and they fired on the Reformers, and after the firing was over, they came up and took us out, six at a time, to vote. After I had voted, and I was one of the first six that came out, one of them told me to go home—which I did. In the afternoon I was taken sick, obliged to go to bed, and stayed there until next day. I was wearied, and the kind of stuff they gave us to eat and drink would have sickened a horse. They brought up liquor by the bucket-full, and only gave us half enough to eat.

Question. Did Judge Hinesly ask you for your naturalization papers?

Answer. I was asked no questions.

Question. Who took your vote?

Answer. I don't know the names of the judges; they took my vote of course.

Question. Did you see any weapons in the coops, and if so, what?

Answer. They had muskets and Colt's revolvers; they came up there and stacked them on the floor, to make us afraid, and any-

body that was cross, they handcuffed him, took off his coat, and threw him on the bare floor till morning.

Question. Who did this ?

Answer. The party we were in charge of, "Ras Levy's crowd," Crab Ashby, and those fellows.

*Cross-examination.*

Question. About what o'clock was it, when you got home after having voted ?

Answer. It was within ten minutes of ten in the morning.

Question. Did you tell your wife as soon as you got home, where you had been, and how you had been served ?

Answer. I did, sir.

Question. When you got home, were you sober ?

Answer. I was sober ; I kept sober from the time I got in there, until I got out.

Question. What name did you give to the judges, when you voted ?

Answer. I gave my true name.

Question. Were you then sober, and did you know what you were doing ?

Answer. I was, sir, and I knew I was voting the American ticket against my inclination.

Question. Can you read ?

Answer. I can, sir.

Question. Did you read the ticket you were voting ?

Answer. I did not read much of it ; I just looked at it ; but I knew it was the American ticket.

Question. What do you recollect having seen on that ticket which you voted ?

Answer. I do not recollect anything in particular.

Question. Can you not give a single name that you saw on the ticket which you voted ?

Answer. I cannot take oath to any particular name.

Question. Where were these eighty or ninety men, that you have said were cooped ; were they on the second floor of the house next to "Levy's ?"

Answer. They were on the second floor, and as the number increased, some were sent up to the third floor ; there was one man in charge of each of the floors, while the others were making arrests.

Question. How many men were on the second floor with you, on Wednesday morning.

Answer. About thirty-five, or thirty-eight.

Question. What was the size of the room in which you and the others were kept ?

Answer. The rooms, for there were two, a front and a back room, are not large ; I cannot specify the size particularly.

Question. Were you in the front or back room?

Answer. We were in and out, from one to the other.

Question. Were there any window shutters in the front, and if so, were they kept open, or closed?

Answer. The shutters were kept closed, and all we could see, was through the slats; there were no shutters to the back room, but a curtain over the window.

Question. Where was the polls held?

Answer. A few doors above the coop; say three or four.

Question. What prevented all the rest in that coop, from kicking out the windows and breaking open the shutters?

Answer. They were underneath, and their party was strong and well armed, and we had no arms to protect ourselves, and we were afraid to break out; they told us that they would kill the first man that would break out.

Question. Did you tell the judges of election, that you were not a legal voter, when you gave your name to them as Peter Fitzpatrick?

Answer. No, sir, I did not; I was afraid of the party standing at our backs while we were putting in our votes.

*Examination on both sides closed.*

BALTIMORE, December 12, 1859.

Correct.

PETER FITZPATRICK.

Test—DANIEL E. MYERS, J. P.

WILLIAM ALLEN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

Question. Were you a resident and a legal voter of the fourth ward of Baltimore city, on November 2d, 1859?

Answer. I was.

Question. How long had you been a resident of that ward?

Answer. I have voted at the same polls, for about twenty-five years, but for a portion of the time I was in the fifth ward, as it then existed, though voting at the same polls where the fourth ward polls are now held.

Question. Were you at the polls of the fourth ward on November 2d, 1859; if so, at what hours, and how long did you remain?

Answer. I went there about between the hours of nine and ten, A. M., and remained just long enough to deposit my vote; at noon I passed by the polls on my way to dinner, and in the afternoon, after five o'clock, I was there for fifteen or twenty minutes.

Question. Was there any molestation of, or interference with voters, or hindrance of their exercising the right of suffrage at any of the times you were there, observed by you?

Answer. No, sir, nothing of that kind came under my observation while there.

Question. Was the access to the polls open and free to all voters alike, at the times you were there?

Answer. So far as I observed they were.

Question. Did you observe any illegal voting while you were there?

Answer. I did.

Question. State what it was and how it was done.

Answer. I saw one person while I was there vote at least ten times during the short time I was there at dusk; he would pass by the window and vote and then whirl round, change his cap, and come back and vote again; I saw several men vote in this way more than once; another one had a handkerchief tied over his eyes, and was led up by a friend and voted as a blind man, and then again he went round the fence with the handkerchief over his jaw, and voted, and the third time he had it round his neck and well up over his chin, as a kind of a cravat, and he voted again.

Question. Had these parties who you saw thus voting illegally, and their friends, complete possession of the polls?

Answer. That is a matter of opinion, but I am fully under the impression that they had complete possession of the polls; I knew pretty well the men and their characters, and they were all pretty much alike? I do not believe that any Reformer could have got in his vote at that time, that is, about dusk; the polls closed while I was standing there.

### *Cross-examination.*

Question. You voted with ease, did you not?

Answer. I did; I met some little obstruction, but in a jocular way, and I passed it off.

Question. How long was it from the time you approached the judges' window, before you got your vote in?

Answer. Not more than a minute.

Question. How long did you remain at the polls in the morning?

Answer. About three minutes.

Question. How long were you at the polls at dinner time?

Answer. I didn't stop at all; I passed by on the other side of the street.

Question. During the entire day, did you see any Reform voters prevented from voting?

Answer. No sir; I wasn't at the polls more than I have stated, three minutes in the morning, and about twenty minutes at dusk; and during that time I did not see any Reform voters prevented from voting.

Question. During the time you were there in the evening, were you on the pavement in front of the judges' window or across the street?

Answer. I was on the pavement immediately opposite the judges' window and within four feet of it.

Question. Was your political bias at that time with the American party?

Answer. I was somewhat on the fence, I must say. I voted a split ticket. I previously voted the American ticket.

Question. What number of illegal votes is it that you are prepared to specify, were received on November 2d, 1859, by the judges of election of that ward?

Answer. I cannot tell; but in the space of fifteen minutes I saw, as I have stated, one man vote ten times; another one with the handkerchief vote three times, and several others vote more than once; how often, I am not prepared to say; they were brought up and hurried through, with scarcely time to give in their names, just before closing the polls, and the cry was, on such occasions, "make way for a legal voter!"

*Examination closed on both sides.*

BALTIMORE, December 12th, 1859.

Correct.

WM. ALLEN.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 13, 1859.

TUESDAY, December 13, 1859.

JOSEPH VANSANT, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you a legal voter of the city of Baltimore on November 2d, 1859; and if so, in what ward?

Answer. I was, and of the fifth ward.

Question. Were you at the polls of that ward on that day; if so, for what purpose, and how long?

Answer. I went there about half-past nine o'clock to vote, and remained there about half an hour.

Question. During the half hour that you were there was there a free and open poll held, and if not, why not?

Answer. There was not; the polls appeared to be in possession

of a band of lawless men, who allowed those to vote, and excluded those, whom they thought proper.

Question. Did you vote, and if so, under what circumstances?

Answer. I did; I endeavored to get near the window to vote, and there was a manifest effort made to exclude me; I was thrust back several times in my efforts to get up to the window; suddenly there was a cry made of "fight! fight!" and these men who had possession of the window made a rush towards High Street, and left the polls clear at that time; I went up then to deposit my vote, and Judge Abbess refused to receive it, giving as his reason that he would take no vote while any disturbance was going on at the polls; I was thus detained at the window until the return of these men who had been thus momentarily called off, and I was pushed from the window when they returned, and one fellow, about six feet high, placed himself right in front of me, and as I would shift my position in order to get by him, I was prevented by the same kind of movement on his part; at last, one of the leaders called Jack Hudgins, who is a police officer, but not then in uniform, he caught hold of this man by the arm and said, "let Mr. Vansant's son vote," and then I was allowed to vote.

Question. At the time when the judge refused to receive your vote, was there any disturbance around the window?

Answer. There was not; that was the only time, while I was there, that there was no disturbance around the window.

Question. Did you see any persons obstructed and assaulted in their approach to the polls?

Answer. I noticed several men, who attempted to get up to the window, pushed out by the crowd, who were backing up against them and crowding them out.

Question. Were you assaulted while near the window?

Answer. Not immediately near the window, but about seventy or eighty feet from it.

Question. State the circumstances of that assault?

Answer. After I had voted I moved out towards the middle of the street and stood among the crowd, and I noticed a man named Hays, Reform candidate for constable in that ward, who appealed to a police officer to keep the polls clear, and the officer answered, "God damn you, go to your own ward, you have no right here to interfere with anything that's going on; go back to the eighth ward, where you come from;" he cried these words out at the top of his voice; he was in uniform at the time; and a rush was immediately made at Hays, and several of his friends, who were standing near, by a part of those men who had been surrounding the window; I saw several men struck, among others a young man named Clarkson; his father rushed towards him and endeavored to pull the man off who was striking him, when a police officer, in uniform, made a dart towards the father and grasped him by the throat; while he was in the hands of the officer, I

saw him repeatedly struck in the face by a man named Ned Miller; at that moment I received a blow upon the back of the neck, and I immediately turned around and recognized my assailant as a man named Wallis, who was the same one that had attacked Clarkson; I defended myself from his blows, but received such a shower of blows from all sides, that I was obliged to beat a retreat; I returned to the polls shortly afterwards, and pointed out to a policeman, in uniform, the man who had first struck me, but he seemed to have no disposition to arrest him, and did not arrest him; I then went home.

*Cross-examination.*

Question. How many, to your knowledge, while you were there, were not allowed to vote.

Answer. I cannot say how many with any positive degree of certainty, but I should say that there were at least six men, whom I saw attempt to vote, that did not get their votes in while I was there.

Question. Were those six men legal voters to your knowledge?

Answer. I cannot say whether they were or not. I did not know them. They appeared to be foreigners.

Question. How many were allowed to vote, that to your knowledge, were not legal voters?

Answer. I saw none that I recognized as illegal votes.

Question. Did you see any persons violently assaulted in attempting to get up to the window?

Answer. I saw no one struck with the fist, but I saw several who were prevented from getting through the semicircle around the window.

Question. Was there a Reform organization in the fifth ward?

Answer. I know personally nothing of it.

Question. Are you able to say whether the voters pushed out, were Reform voters or not?

Answer. I cannot say; would not swear to it.

*Re-examination.*

Question. Did you see any one go up to vote whom you know to be a member of the American party?

Answer. Yes, one of my own friends.

Question. Did he experience any difficulty in depositing his vote?

Answer. None, whatever.

Question. Did he have to push through the crowd to get in his vote?

Answer. Not in the least. The semicircle immediately divided, and he walked up and voted.

Question. Were there any Reform challengers at either side of the judges' window?

Answer. I saw none.

*Cross-examination resumed.*

Question. Did you see any Reform voter go up to vote?

Answer. Yes, sir.

Question. Did you, while you were there, see any Reform voter vote *freely* or without difficulty?

Answer. No, sir.

Question. Are you acquainted with all the Reform voters of the fifth ward?

Answer. No, sir; I am not well acquainted in the fifth ward at all.

Question. Do you know whether challengers were appointed for the fifth ward by the Reformers?

Answer. No, sir; I do not know.

Question. Can you say that there was no Reform challenger at the window?

Answer. I have only said that I saw none. Those whom I saw around the window, I should judge by their actions not to have been such.

Question. Do you know all the American voters in the fifth ward?

Answer. I do not.

*Examination on both sides concluded.*

BALTIMORE, December 13, 1859.

Correct.

JOSEPH VANSANT.

Test—DANIEL E. MYERS, J. P.

DR. MILTON N. TAYLOR, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a legal voter in the city of Baltimore; and if so, in what ward?

Answer. I was, in the sixth ward.

Question. Were you at the polls on that day, and how long did you remain?

Answer. I went there a few minutes before nine, and remained at the window as Reform challenger, until fifteen minutes past ten o'clock, as long as they would let me.

Question. Was there a free and open poll at the sixth ward, while you were there, and if not, why not?

Answer. During a portion of that time there was; three-quarters of an hour, nearly an hour perhaps after that, until fifteen minutes past ten; I challenged three or four persons, and they became indignant (they, the rowdy party around the window, I mean), and one of them, the leader of them, said, "We must stop this voting, this won't do any longer;" I asked him whether he intended to let us vote, and he said no, he did not intend to let us vote; I told him to let us know whether we were to be allowed to vote, just to say so, and not to shoot anybody about it, and we would give the matter up, and he said no, we should not vote any more, and said if we contended, as we said we had meant to, he would bring out something against us, that we were not aware of; I was aware that there was a house close by, in which there were muskets and a swivel.

Question. Do you know in what house these arms were stored?

Answer. Yes, sir; it was a public house near the polls, within sight of the polls, on McElderry Street, within one door of Aisquith Street.

Question. Did you leave the window then?

Answer. First a young man appeared to be sent by them, to push me away; he put his back against me, but did not push me away; then another man appeared to be sent for the same purpose, and then the whole crowd pushed against me, and forced me away.

Question. Did you recognize any police officer, or officers in the crowd which pushed you away?

Answer. I recognized one, not in uniform (not in a police coat at least; I don't know about his pants), in the crowd assisting to push me away; no one in the crowd acted worse than he.

Question. Whilst at the window, did you see any voters prevented from reaching the window by force?

Answer. I did.

Question. Do you know the politics of any of those thus prevented?

Answer. Yes, sir.

Question. What were they?

Answer. Democrats and Reformers.

Question. Did you see any persons whom you knew to be of the "American" party, come up to vote?

Answer. Some few.

Question. Did they experience any difficulty in reaching the window?

Answer. They did not.

Question. Did you see any illegal votes taken, while you were at the window?

Answer. During the time I was at the window, the vote was as

nearly legal as it could well be, but during the day, while in the vicinity of the polls, I saw a number of illegal votes taken ; in fact while my attention was directed to the window, late in the evening, I saw nothing else but illegal voting.

Question. Did you see any persons vote more than once ?

Answer. Yes, sir ; I saw one old Irishman, vote six or seven times, taken up by the same person ; there was a number voted the same way.

Question. Do you know to what political party, if any, the person who took up the old Irishman to vote, belonged ?

Answer. He belonged to the " Know-Nothing " or " American " party.

Question. Did you see other similar cases, of illegal voting, and by whom were these illegal voters taken up to the window ?

Answer. A number of them ; they were taken up by members of the " American " party.

Question. Did the police on the ground attempt to protect voters from assault, or to arrest those who committed assaults ?

Answer. Not at all ; nothing of the kind ; in one instance they, the police, assaulted and kicked a man, named " Eliel," an old resident of, and legal voter of the ward, who did not get his vote in, to my knowledge.

Question. Did the judges of election make any efforts to keep the access to the polls open or to prevent assaults, or to have those arrested who committed assaults ?

Answer. I saw no persons committed for making assaults, but I heard a judge, I know it was Mr. Ruckle, the Reform judge, several times order the persons around the window to clear the space around it, and give voters a chance to get up, and he was not obeyed, but threatened to be dragged out of the window.

Question. Can you form any estimate of the number of illegal votes that you saw taken ?

Answer. I must have seen, to my knowledge, not less than three hundred fraudulent votes of all kinds ; by fraudulent votes I mean, those of persons voting more than once ; I saw also about six or seven persons vote, whom I knew not to be residents of the ward.

Question. Can you form any estimate of the naturalized voters of that ward ?

Answer. I should suppose there are from 300 to 400 such voters.

Question. How many legal naturalized voters did you see vote while you were there ?

Answer. Very few indeed, certainly not over six or eight during the entire time that I saw the voting ; there was almost an entire exclusion of the legal foreign vote.

Question. Were you observing closely the polls during the whole day ?

Answer. I was.

Question. How long have you been living in that ward?

Answer. Over seven, nearly eight years.

Question. Have you a very large acquaintance in the ward?

Answer. Yes, sir, a very large acquaintance; there are scarcely a hundred men in the ward whom I do not know personally.

*Cross-examination.*

Question. What length of time were you at the window, on that day?

Answer. About an hour and a half.

Question. After that time how near the window were you?

Answer. I was not nearer than twenty feet, after that I was walking about the ground some few minutes; but I was in the vicinity, and at my house which is in sight of the polls about twenty or thirty yards from them nearly all day; I was absent, away from the polls and my house at one time during the day for an hour and a half, or two hours.

Question. How many voters, while you were at the window, did you see prevented by violence from voting; specify them?

Answer. I think there were five or six assaults of persons thus prevented from voting; there was one case of Eliel, as I have mentioned, who was driven off; there was an old Jew, who resides in Low Street a few doors from Aisquith, who was caught by the collar, and jerked down on the pavement, and he was frightened and went off; there was another man, a German, whom I know to speak to him, but I do not remember his name, who was struck on the nose, and bled profusely; there was a man with a crutch, who was a cripple, who was assaulted, but who voted I think; some man drew a pistol on this cripple, and another one caught the man who drew the pistol and prevented him from shooting, and he said, "why didn't you let me finish the damned scoundrel;" there were several others, but there was such a crowd, that I cannot now recall all the cases; I had as much to do at that time myself as I could attend to.

Question. Did you see any foreigners vote the American ticket while you were there at the window?

Answer. I saw three Germans brought up to vote the American ticket, and I objected to them, and they were sent away to get their papers, and I did not see them return or vote, nor do I know whether they afterwards voted; I also saw some three or four foreigners vote the American ticket.

Question. Do you know how many naturalized voters, if any, were prevented from voting?

Answer. I cannot say how many; of my own knowledge I can only say from eight to twelve actually prevented from getting to the window.

Question. By whom were these three hundred fraudulent votes cast, of which you have spoken?

Answer. They were cast by the Know-Nothing party.

Question. Were these persons casting these fraudulent votes personally known to you to be Know-Nothings or Americans?

Answer. Not personally known; that is, not all of them.

Question. Do you know the politics of all this large acquaintance of yours in the sixth ward?

Answer. Pretty much, sir.

Question. Did you see any "*Americans*," whom you knew as such, voting legally after you left the polls?

Answer. I did not see many voting legally.

### *Re-examination.*

Question. Were the foreigners whom you have stated you saw vote the American ticket, legal voters of the sixth ward.

Answer. I don't think they were, any of them; one of them I knew to be not a legal voter, named Kittler, a baker.

Question. Do you know that a number of persons came to the vicinity of the polls with the intention of voting the Reform ticket, who were prevented from approaching the window by apprehension of assault if they should do so?

Answer. Yes, sir; a number stood all around who were afraid to vote or to attempt it.

Question. Did they finally leave the polls without voting?

Answer. Yes, sir, a number of them.

### *Cross-examination resumed.*

Question. Do you know of any Reform organization in that ward, prior to the election of November 2d, 1859?

Answer. I attended one meeting of the Reformers in that ward.

Question. What was the highest number of persons present at that meeting?

Answer. My estimate was then that there were sixty or seventy.

Question. Was a majority of them known to you as Democrats?

Answer. I am confident a majority of them were Democrats.

### *Examination on both sides closed.*

BALTIMORE, December 13, 1859.

Correct.

MILTON N. TAYLOR.

Test—DANIEL E. MYERS, J. P.

LUTHER M. REYNOLDS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the seventh ward of the city of Baltimore?

Answer. I was.

Question. Did you go to the polls of that ward on that day ; if so, for what purpose, and how long did you remain there ?

Answer. I went to the polls at about a quarter before ten o'clock, and remained until about half-past eleven o'clock, A. M. ; my object was to vote myself, and to assist others in voting who might wish to deposit their ballots.

Question. While you were there was there a free and open poll, and if not, why not ?

Answer. There was not, while I was there, a free and open poll ; the principal and controlling reason, was the fact of a large and turbulent crowd standing round the window where the votes were received, who, by their joint exertions, prevented the access of persons wishing to vote, or who appeared to have in their hands the Reform ticket.

Question. To what political party, if any, did this crowd belong ?

Answer. To the " American " party, so called.

Question. State the manner in which they prevented voters from reaching the window ?

Answer. Generally, on both sides and in front of the window there stood men in their shirt-sleeves, having the appearance of persons prepared to do battle, who would stand in the way of the Reformers who wished to approach the polls, and by a joint concentration of their force of pushing against the person approaching and those of his friends who might be with him, assisting him to get up to the window, and they would entirely crowd him away from it ; this action of theirs was apparently concerted, and resulted, so far as I saw, in almost an entire prevention of the depositing of Reform votes.

Question. While you were there did you see any members of the American party attempt to vote, and did they experience any difficulty in voting ?

Answer. I saw a good deal of voting, and from the best that I could see, they voted American tickets, for the reason, however, that this crowd always stood aside when these voters to whom I allude, approached, and for the reason that many of them were brought there in carriages and other vehicles which were conducted by men that I knew to belong to the American party ; I am satisfied that the voting I have spoken of was of the American party ; they had no difficulty in voting, and when a carriage full of persons would drive up, having the appearance of

paupers, the conductor of the carriage would call out to the crowd, "Stand back, boys, and let sick men vote!" then some of the crowd would advance to the carriage and receive the votes and carry them to the window through a kind of alley made by the crowd for the purpose; in the course of a few minutes the same carriage and driver would be around with another load of pauper-looking men, and go through the same ceremony, using the same cry or words.

Question. Did the men in the vehicles look sick and unable to walk to the polls from the carriage?

Answer. Some of them did, some did not; many of them looked as if they were too drunk to walk to the window, and looked very languid and exhausted, as though they had been on a spree for several days.

Question. Were the Reform challengers permitted at one side of the window?

Answer. I saw no Reformer permitted to approach the window but myself.

Question. Did you vote, and under what circumstances?

Answer. The night previous to the election, myself and thirty others signed a paper, in which we agreed to see each other vote, by all fair and legal means; when I got to the polls these gentlemen told me I was too late, the polls were in possession of the enemy; however, I got together as many of them as I could, when we made a joint and desperate effort to push our way to the window, I being ahead, but our effort was unsuccessful; the crowd was too strong for us, and forced us out into the street; as soon as we could get our breath we renewed the effort, for the pushing was exhausting; I suppose I was for three-quarters of an hour attempting in that way to vote, when I despaired; I then crept between the crowd and the wall of the house where the polls were held, and I proceeded apparently unseen until I came within reach of the window; when I got there, however, there stood a big, stout, stalwart man, in his shirt-sleeves, at the side of the window, holding with his right hand the iron button of the window, which was driven into the wall; he calling me by name, though I did not know him by name, told me I couldn't vote there, that he was placed there to prevent voting over, around, or under him, I having said that I could vote under his arm if he would permit me; he seeming to be not in a very bad humor, I thought I would try persuasion and entreaty; I said, just please let me vote, that nobody would see me; he replied that he knew his duty, that he was placed there on that side of the window to prevent persons from voting from that side of the window, and that I couldn't dissuade him from doing his duty; he told me, however, to go round to the other side of the window, that possibly I might get in there; I thanked him and told him I would try the experiment; according to his instructions I went round, and without apparently being observed, I worked

my way nearly up to the window, when they, the crowd, observed me, and then with a general cry of "clear the way for voters," they ruthlessly and barbarously, with one push, drove me right out; I had observed that this cry of theirs was a signal for them to push the voters, the Reform voters, out, so that the man who cried loudest, "clear the way for voters," was the man who pushed strongest against me; I then went round again to the other side of the window, and again worked my way up to the man holding the window button; he had just got an axe from some one and driven the button more firmly in, for he had worked it loose; I jocosely observed to him, "I've come again to see if you won't let me vote; I have done all you told me to do on the other side, and they had wickedly pushed me out, now wouldn't he do me the favor to let me reach under his arm or over his shoulder and put my vote in the window?" he sternly but good-naturedly said no he could not, and would not, that if I did not vote that day I couldn't do it in that way; I then retreated and gave it up, when I met the American candidate for constable in that ward, who knew me very well, and who was one of the crowd that I have spoken of; and stating my case to him, and my very great anxiety to vote, he raised his hand, the crowd separated, and I walked in and voted; before his raising his hand, however, he went to the crowd and talked to them, then he came out and raised his hand and I went in.

Question. Did the occurrences which you have related take place within view of the judges of election?

Answer. Yes.

Question. Were the persons who with you made an effort to vote and were pushed out, or many of them, known to the judges of elections as residents in the seventh ward?

Answer. I cannot speak of what the judges knew, but they were well known to the citizens of the ward generally, as old residents and voters.

Question. Were you personally acquainted with the judges of election, or any of them?

Answer. Only by sight, and I think they know me by sight.

Question. Did you see any persons beaten by the crowd or any of them, while you were there?

Answer. I saw a good deal of pushing, hauling, striking, and kicking; but I can mention but three instances of excessive and wanton cruelty and mischief; there was one little man about nineteen or twenty years of age apparently, acting with the crowd or American party, who was rather stout, but short, would go up behind one of the persons there assembled and strike over his shoulder at another and knock him down. There was one man standing close to me, in front of me or little to my right, when a fist went by my ear over my shoulder, striking him in the face, knocking him half way across the street before he fell. This little man seemed to be striking thus from mere sport, as

the one struck was doing nothing, saying nothing, but only looking on quietly. The Reformers of the seventh ward had appointed a number of ticket holders to be about the polls, about fifteen or twenty persons, and among us was one very delicate, sickly-looking man. At about 11½ o'clock, we, the ticket holders, had a brief consultation, and determined it was best to leave the ground. This delicate man observed (as he went off), that if we said so, he would remain and hold tickets still; none of us made any reply, but all moved off, leaving him about one hundred feet from the polls, with Reform tickets in his hands. In about three minutes I returned to the neighborhood, and as I got to where we had left the man with the tickets in his hands, a crowd of some six or eight, maybe ten, from the window, made a rush upon him, and apparently with one blow knocked him down, and then engaged in stamping, striking, and kicking him. He lay rolled up in a sort of knot, while the treatment was going on. After some little time the police who had been standing off some distance looking on, interfered, saying, "Oh boys, boys, boys!"—pulling them off, they picked him up from the ground and carried him off towards the station house. The crowd returned to the window, waving their hats and caps triumphantly and shouting. The blood was gushing from the man's head and face, as he was led off. The police did not arrest any of the party who had committed the assault.

*Cross-examination.*

Question. Was there a Reform organization in that ward prior to the day of election?

Answer. Yes.

Question. Were you present at any of the meetings; and what was the greatest number present at any meeting which you attended?

Answer. I was present at several of their meetings, and I should think from fifty to seventy-five, probably a hundred were present as the highest number at any one time.

Question. How many illegal votes, to your own personal knowledge, were cast in that ward while you were there?

Answer. I do not know, to an absolute certainty, that there was one.

Question. How many Reform voters, to your personal knowledge, were excluded from voting?

Answer. I don't recollect of seeing but one or two that were actually driven away, there were many driven out, but I do not know whether they afterwards returned or not after I left; whilst there I saw several excluded, but they may possibly have voted afterwards.

Question. Do you know, of your personal knowledge, that the

persons surrounding those polls were members of the American party?

Answer. Not belonging to the American council myself, I do not know who does belong to it; but the persons to whom I have referred as belonging to the American party, rallied under the cries of the American party, and holding their tickets.

Question. Do you know whether or not that man at the window, to whom you spoke, had been assigned to that place by the proper authorities?

Answer. Please specify what you designate by the term, proper authorities.

Question. The judges of election?

Answer. I do not know.

Question. How many Reform voters voted in that ward to your knowledge?

Answer. There were none that voted, to my knowledge, while I was there, except myself; in the after part of the day I saw two Reform voters get in their votes.

### *Re-examination.*

Question. Please state the circumstances under which the two Reform votes were cast to which you allude in your answer to the eighth cross-question?

Answer. A man had been about in the street all day, who was a Reformer; I knew him to be a man in the last stage of consumption; I knew that he desired to vote, I went to McKinley, the magistrate for that ward, and told him that there was a man who must die in a few days, and who wished, as the last act of his life, to vote the Reform ticket; McKinley then said, if that was the case, he should vote, and went into the crowd, said something to them and came out, took the man up and voted; the other man voted by stealth.

### *Examination on both sides closed.*

BALTIMORE, December 13th, 1859.

Correct.

L. M. REYNOLDS.

Test—DANIEL E. MYERS, J. P.

JAMES JOSEPH MURPHY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

Question. Were you, on the 2d day of November, 1859, a resident and legal voter of the seventh ward of the city of Baltimore?

Answer. Yes, sir.

Question. Did you go to the polls of that ward on that day, and for what purpose?

Answer. I did go; to vote.

Question. At what hour did you go, and how long did you remain?

Answer. I went at nearly ten o'clock, and remained probably twenty minutes or half an hour.

Question. Did you vote, and if not, how were you prevented?

Answer. I did not vote; as I approached the window, there was a crowd of probably from twenty-five to thirty riotous and lawless persons immediately surrounding the window; I endeavored to make my way through them to the window, but in every effort they used forcible means of preventing me, and at one time wounded me with an awl; after retiring, one or two of the riotous party solicited me to return to obtain my vote, but from their previous conduct, I mistrusted their object and refused to return; I finally retired; the leaders of the riotous party, I believe, were all belonging to the American party; three of them were corporation officials, whom I personally identified.

Question. Did you see any other persons prevented from voting while you were there?

Answer. Every person whom I knew to be of the Reform party, and who attempted to vote, was prevented from doing so by this same riotous party; they used whistles as a rallying signal.

Question. Did you see any effort on the part of the police to interfere and prevent this riotous conduct?

Answer. No, sir, far from it; as I retired from the polls, I met a police officer and asked him to attend to the polls, that his services were needed at the polls; he said that he was attending to his duty then; I asked him what his duty was, if it was not that; he said he knew his duty; I observed then, that I also knew his duty, but that he took his own view of it; he then made an advance towards me, as though he would arrest me, but did not do so.

Question. How long have you been a resident of that ward?

Answer. I have lived in the same neighborhood and voted there for twenty-three years; the present seventh ward is the nucleus of what was the old third ward.

Question. Did you see any illegal voting while at the seventh ward?

Answer. Not at the seventh ward.

Question. Did you see any illegal voting at any other polls on that day?

Answer. I did; I saw a party of five or six, led by a corporation official, (the same one that was a leader of the riotous party at the seventh ward), go up to the sixth ward polls, and the leader voted, and all the others led by him voted also.

Question. Were these persons, to your knowledge, residents

of the sixth ward, or do you know of what ward were they residents?

Answer. The leader of them I know is a resident of the seventh ward, and to the best of my knowledge and belief, the others were so also; the faces of most of them are familiar to me.

Question. Did these persons vote more than once at the sixth ward polls or elsewhere?

Answer. The same party, after retiring to a tavern, on their return went again to the sixth ward polls and voted again on that occasion.

Question. When you were at the sixth ward polls, did you see any person assaulted in attempting to get in his vote?

Answer. I saw one assaulted immediately after depositing his vote.

Question. Did you see any other illegal voting than that which you have mentioned?

Answer. I did not to my knowledge.

Question. Did you see any firearms displayed at the sixth ward polls on that day?

Answer. I saw a revolver wrested from the hands of a party who is an official in the City Collector's office, while he was attempting to shoot another person.

Question. Did the police arrest the man who drew the pistol?

Answer. No, sir; a private citizen took him to his house and restored the pistol to him, under promise that he would take it and leave it at home.

### *Cross-examination.*

Question. How long were you engaged in a persistent effort to vote?

Answer. From twenty minutes to half an hour.

Question. During such time, was there a considerable throng of voters about the polls?

Answer. There were several; no voters, however, about the window, it was blockaded; there was a voter with me at the same time, attempting to get in his vote.

Question. When you were solicited to return to the polls to vote, was the access to the window then open, or not?

Answer. No, sir, it was not; it was one on the outskirts of the crowd that asked me.

Question. Please state the names of your personal acquaintances who, of your own knowledge, attempted to vote at the seventh ward polls while you were there, and who were prevented from so doing?

Answer. John Schley, 74 McElderry Street; I do not know personally others, who during the time I was there attempted to vote, and were prevented.

Question. Is John Schley a native citizen and a legal voter?

Answer. He is native born, and a legal voter.

Question. Did you know any one else, besides John Schley, of the Reform party, attempt to vote, and fail at the seventh ward polls, on the 2d day of November, 1859, if so, please state the name or names?

Answer. To my personal knowledge, I do not.

Question. Whilst at the polls of the seventh ward, on November 2d, 1859, did you see any person prevented from voting, if so, give such person's names?

Answer. I saw some, whom I did not know by name, in whose way the same obstacles was placed as in mine; there were none other than Mr. Schley whose names I knew.

Question. How many persons did you see so prevented?

Answer. To the best of my knowledge there were some three or four.

Question. Not knowing these parties by name, do you know them to be legal voters of the seventh ward, of your own knowledge?

Answer. Those to whom I have referred, have voted there for years, and to the best of my knowledge and belief, they were legal voters.

Question. Can you tell in what street the parties you referred to live?

Answer. No, sir, I can't tell in what particular street they live.

Question. Can you tell in what part of the ward they live?

Answer. The generality of them live about the centre.

Question. Are the men you saw neighbors, and do they all live in one street?

Answer. I can't say.

Question. Which is about the centre of the seventh ward, where these parties live?

Answer. I object to answer this question, for I consider it a question put to puzzle.

Question. Please state whether you know anything about the residence or occupation of the three or four men whom you saw prevented from voting, at the seventh ward polls?

Answer. I could not answer it accurately in the affirmative; I have already answered it in the general answer.

Question. Can you give the residence or occupation of any one of these men; if so, please to do it?

Answer. I decline answering this question in any other way than I have already done.

Question. Please state how you have answered the question heretofore, and please here repeat such answer?

Answer. I refer to the record for that answer.

Question. Witness is now asked to look at the record, and to read it, and to designate which part of such record he refers to, as his answer to the fifteenth and sixteenth questions?

Answer. I refer to my answers to the ninth, tenth, and eleventh cross-questions.

Question. Do you know the occupation of any one of these four men?

Answer. I do not.

Question. Did you ever have any business with any one of them?

Answer. I may, or may not, but do not at this time recollect of any.

Question. Did you ever speak to one of these men?

Answer. I have no recollection when I may have done so, though I have no doubt that I have spoken to some one of them.

Question. Have you a distinct recollection of having seen these four men, or either of them, vote in the seventh ward, at the Municipal election of October, 1859?

Answer. I was not at the polls on the day of that election.

Question. Have you a distinct recollection of having seen these men, or any of them, vote at the Mayor's election of October, 1858; if so, which of them?

Answer. With the exception of the 2d of November, and one other election about two years ago, I have not been to the polls for three or four years, in consequence of the disorder at the polls during that time, and I did not see them, or any of them vote at the election referred to.

Question. Which election is it, that you have a distinct recollection of seeing these men vote at?

Answer. I could not designate any particular occasion.

Question. When you saw them vote, did they present themselves to vote together, or singly?

Answer. I am fully impressed with the idea, that I have seen them vote, but I cannot recall the particular occasion or occasions, years after the occurrence, but I have a distinct recollection that I have seen them at different times come up to vote.

Question. Can you tell where these three or four men resided, for the twelve months prior to November 2d, 1859, that is to say, the street and number?

Answer. No, sir, I could not say.

Question. Not knowing where they resided, prior to November 2d, 1859, can you undertake to swear of which ward they are legal voters?

Answer. No, sir, I wouldn't swear positively.

Question. You have stated that you saw a corporation officer of the seventh ward, vote at the sixth ward; please give his name and office?

Answer. Samuel McClintock, lamplighter.

Question. What street and number does Samuel McClintock live at?

Answer. That I am unable to say, the street and number; for I have never been at his house; but from the fact of his

being a lamplighter in that district, and a candidate for constable of the seventh ward, on November 2d, 1859, and that I never knew him to reside out of the ward.

Question. What street and number of the seventh ward, did Samuel McClintock live at, of your own knowledge, and how long did he there live, and when did he live there?

Answer. He did live with his father, on the southwest corner of Orleans and Caroline Streets, some three or four years ago; I cannot say precisely how long ago.

Question. Have you for the last eighteen months had any personal knowledge of the street and number in which McClintock lived?

Answer. No, I have not.

Question. Did you see McClintock vote at the seventh ward on that day?

Answer. I did not.

Question. Can you say of your own knowledge that McClintock does not live with his wife in the sixth ward of the city of Baltimore?

Answer. I don't know where his wife lives, or whether he has a wife.

Question. Can you say of your own knowledge where McClintock slept or lodged, for the six months previous to November 2d, 1859?

Answer. No, sir.

Question. How many persons did McClintock lead up to the sixth ward polls, whom you saw actually vote?

Answer. I counted them at the time, but I do not remember now whether it was five or six.

Question. Please give the names of the five or six, or any of them, and the street and number in which he or they lived, that you saw McClintock lead up to vote?

Answer. That I cannot do.

Question. How long were you at the sixth ward polls?

Answer. An hour and a half to two hours.

Question. Where did you stand at those polls?

Answer. I stood about the middle of the street, directly opposite the window for part of the time, and for a part on the curb.

Question. At what hour were you at those polls?

Answer. From about twenty minutes after ten until twelve or thereabouts.

Question. Before you left the sixth ward polls, did the leaders of the Reform party call on the Reform party to leave, and did they while you were at the polls withdraw their ticket holders?

Answer. I did not observe any such thing.

Question. About how many persons at the sixth ward polls, while you were there, were holding Reform tickets?

Answer. I could not specify any number; I did see some, but do not now recollect who they were.

Question. Did you see Dr. Bradford there ?

Answer. Yes, sir.

Question. When you saw these six or seven men about to vote the second time, did you call the judges' attention to it ?

Answer. No, sir, I was not close enough to the window ; I had not the means to do it ; the window was occupied by parties who would not have let me in.

Question. Do you mean to say that you could not have raised your voice, and made the judges hear you ?

Answer. No, I did not mean to say so, I mean to say, that I did not think it was any use, and not being in my own ward, I did not wish to do so.

Question. Not knowing these men personally by name, nor their occupations or residences, be pleased to state how it was that you set these men down as illegal voters of the sixth ward ?

Answer. In the first place, I had observed them previously as forming part of the crowd that was obstructing voters at the seventh ward, and they came from the direction of the seventh ward to the sixth.

Question. What is the number of illegal votes that you saw deposited at the sixth ward polls, on November 2d, 1859, that you can and do now positively swear to ?

Answer. There were six that I can positively swear to.

Question. If the poll book of the sixth ward was to be now presented to you, could you designate which of the votes there recorded were these six to which you referred ?

Answer. No, sir, and I answer *no* for the reason that illegal votes are seldom registered or rather given correctly.

*Examination on both sides closed.*

BALTIMORE, December 13, 1859.

Correct.

JAMES J. MURPHY.

Test—DANIEL E. MYERS, J. P.

THOMAS S. AUSTIN, a witness of lawful age, produced on the part of the complainants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you on November 2d, 1859, a legal voter of the city of Baltimore, and if so, of what ward ?

Answer. I was, and of the seventh ward.

Question. Were you at the polls of that ward on that day ; if so, for what purpose and how long did you remain ?

Answer. I went there for the purpose of voting, between eight and nine o'clock, and left at half past eleven, A. M.

Question. Did you vote?

Answer. I did.

Question. At what hour?

Answer. About half-past nine.

Question. While you were there, was there an open poll held there, and if not, why not?

Answer. No, sir; there was no open poll the whole time I was there; the polls were obstructed by an infuriated set of men, that acted more like hyenas than men, and they would let no one vote except those they would choose to let vote, if they could prevent it. Occasionally some votes would get in through a great deal of perseverance and personal risk, that were opposed to them. I mean Reform votes.

Question. Were you assaulted at the time you voted?

Answer. I was assaulted from the time I commenced to get in my vote until I finally succeeded, in various ways of assault. When I first went there, that is, as soon as the polls were opened, I made an effort to get up to the window; I was thrust out repeatedly; sometimes I would succeed in getting almost to the window, and some of them would cry out, "Don't you see that man almost to the window," and they would make a rush, and punch me considerably, and away I would go, away into the street. At last some scrummage took place, and there was a small opening, and I entered again. I went in with my coat buttoned up, and as I got to the window, or within reach of it, a large man named Sullivan spread out both arms right across it. In trying to vote, I had to stop, to get my arm under his, to push my arm up to get my vote in, and while stooping I received several blows right on my neck, and while my hand was stretched out, trying to reach the judges, I raised my head to try and see who it was that was pounding me, and as I turned McClintock struck me right on the eye with his elbow, doubling his arm up; my eye was considerably swollen and black for two weeks.

Question. Was this McClintock a candidate for any office at that election?

Answer. He was candidate for constable on the so-called "American" ticket for the seventh ward.

Question. Did you see any other persons who were attempting to approach the window prevented from doing so by violence?

Answer. Yes, sir; almost every one that was approaching to attempt to vote the Reform ticket, except now and then one whom they would let vote; and the tenor or the language of the crowd was, that they would let vote whom they pleased.

Question. Did you see any members of the American party attempt to vote?

Answer. I did.

Question. Had they any difficulty in getting up to the window?

Answer. I saw none who were known to be members of the

American party have any difficulty in voting; in some cases, after some had been driven out, and it was ascertained that they had the American, or, as they called it, the "right" ticket, they would cry out, "Open the way, and let this good vote in," and it went in without any difficulty; in some two or three cases, some men who had been driven away, the crowd would get their Reform tickets away from them, put other tickets in their hands, and make them vote them.

Question. What tickets did you see the members of this crowd holding?

Answer. American tickets, with a stripe down them.

Question. Did you see this crowd beat any persons?

Answer. Yes, sir; Dr. Tappan was struck in the face, I think was stuck with an awl in the cheek; a Mr. Shyrock, a Mr. Oldson, a young man named Heard, and other instances, I cannot recollect the names.

Question. Did the police attempt to protect persons assaulted, or to arrest those who committed assaults?

Answer. I saw the police in no instance attempt to protect any body; in the case of Mr. Heard, which was just before I left, he was out in the street, and three or four had him down, and were beating him; the police came up from the corner below, and took the parties off from Heard, while they were in the very act of beating him, but made no arrests.

Question. Were you beaten immediately in view of the judges' window?

Answer. When I was struck on the neck and face, I was in the very act of voting, right at the window.

Question. Did you see any illegal voting?

Answer. I don't know any that I could positively specify by name; I saw one and the same person vote in the seventh ward five or six times; there were several persons that thus voted more than once.

Question. Did you see what tickets they voted thus illegally?

Answer. I could not see what the tickets were, but judging from the crowd they were with, and their actions through the day, and the tickets they held, I think they voted the American ticket; to me they were entire strangers; I never saw them before, nor to my knowledge have I since seen them.

Question. While you were there, how many Reformers whom you know to be such were driven away, who attempted to vote?

Answer. A Mr. Carroll, a Mr. Maguire, Dr. Tappan, Mr. Shyrock, Mr. Medinger, and others; there were about twenty-five or thirty who went there for the purpose of voting; some of them were prevented from voting by actual violence, and others on the margin of the crowd, seeing how those in the crowd were treated, would not make the attempt to get in, being intimidated by the fear of similar treatment.

Question. Did you see any firearms, or other weapons, on the persons of this crowd?

Answer. I did not see many firearms, but other weapons, such as billies, slung-shots, and, in one or two cases, long knives.

*Cross-examination.*

Question. Did you attend any of the Reform meetings of the seventh ward?

Answer. I think I did attend nearly all of them.

Question. Where did they meet, and what was the largest number present at any meeting?

Answer. At the corner of Orleans Street and Broadway; and the largest number present was, I think, over one hundred.

Question. Did you hold Reform tickets at the seventh ward polls on November 2d, 1859?

Answer. I did as long as they would let me.

Question. How many others held such tickets?

Answer. Twenty or twenty-five about the polls and the vicinity of the polls.

Question. How long have you been living in the seventh ward, prior to November 2d, 1859?

Answer. With the exception of about two years, when I lived in the new third ward, and two years while I was in California, I have been living in the present neighborhood over twenty years.

Question. Which of your personal acquaintances, after persistent efforts to vote, were unable to do so?

Answer. Dr. Tappan, Mr. Shyroek, who got beaten in the effort, a man named Turner; I could name a dozen, certainly, if I had the time to think of them.

*Examination closed.*

Correct.

THOMAS S. AUSTIN.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 13, 1859.

BALTIMORE, December 13, 1859.

DR. WILLIAM C. TAPPAN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, a resident of and a legal voter in the seventh ward of the city of Baltimore?

Answer. I was.

Question. Did you go to the polls of that ward on that day, if so, for what purpose, and how long did you remain at the polls?

Answer. I went there for the purpose of voting; got to the polls at twenty minutes before nine o'clock, and remained there until nearly twelve o'clock, M.

Question. Did you vote; if not, why not.

Answer. I did not vote; a week before the election took place, I met Mr. King, police officer, and he offered to bet me twenty dollars I wouldn't vote; he offered to put up his watch as a forfeit against a dollar that I would not vote; we did not make the bet; the day of the election I went down to the polls, and before the window was opened, Ned Lee with about twenty-five to forty men and boys in number, came down to the polls, two by two; and about five minutes before the window opened, they took possession; about the time the window was hoisted, he had a whistle and he blowed his whistle, and the crowd halloed out, "Ah! you Reformers," and a person, who had been police officer, standing by me, said: there should not a damned Irishman or Dutchman vote that day if he could help it; in the space of about twenty minutes there must have been two hundred people assembled, and from fifty to sixty standing in regular form around the window, taking literally possession of it; I saw an old Defender going up to vote, and I thought I would try to get up with him; I was pressed back, and during the time the old gentleman was struggling he was knocked down, I was then pushed off the pavement; I then called upon a police officer, named Carback, and demanded my rights; he said that he had nothing to do with it; I then took my stand directly opposite the window, and across the street; while standing there, I noticed an acquaintance of mine making his way up to the window, when some one in the crowd struck him a severe blow under the eye; while standing there, I called on the captain of the police, whose name I don't remember, who came up to me, and I demanded my right, the right of suffrage; he said he had nothing to do with it; I saw a man knocked down a few steps from the polls; I noticed Mr. Carback looking at him at the time, and I called to Mr. Carback, and said, "Don't you see that, don't you see that man knocked down?" the reply he made was that he didn't see it; I said, "Why you couldn't have helped seeing it;" he reprimanded me for saying so, and made some threats; I then met a police officer named Hand, and had some talk with him; Hand said to me, how could a man conscientiously vote for a party like that—referring to the crowd around the polls; there was a good deal of excitement when I left, and I made up my mind that it was impossible or at least attended with risk of life for a man to attempt to vote.

Question. Were you struck or injured in your attempt to vote?

Answer. No, sir.

Question. Where were the polls held ?

Answer. At the Lafayette Engine House.

Question. Was there a general impression in the seventh ward, before the election, that the rowdy clubs of the ward had a deposit of firearms and other weapons at or near the Lafayette Engine House ?

Answer. That was my impression, and I think the public was impressed with the same idea.

Question. Did you see any of the individuals composing this crowd around the window to whom you have referred, holding tickets, and if so, were they "American" tickets ?

Answer. I did ; and the tickets were those of the "American" party.

Question. Did you see any candidate of the "American" party at that election, in the crowd to which you have referred, and apparently acting with them ?

Answer. Not to my knowledge.

Question. Did you see any persons go up to vote with the "American" ticket in their hands, and did such persons have any difficulty in getting up to the window ?

Answer. I saw a great many of that American party go up to vote, and they did not have any difficulty in voting ; this Mr. Lee had a little whistle, and when he saw a man or party with American tickets approaching the polls, he would blow the whistle, and then one of the crowd back or a bystander would hold up their hands as a kind of signal, and call out, "It's all right," and then the crowd would stand back and let the voters up.

Question. Did you see any illegal voting at the seventh ward polls while you were there ?

Answer. I think I did ; this party that took possession of the window of which he was captain or leader, when the window was opened, voted ; after voting, they, that is about eight or ten of them, left, and went up Caroline Street ; in the course of half an hour afterwards, I saw the same crowd come up Holland Street, and one of the crowd at the window cried out, "Here comes some voters," and they, I think it was Lee, called out, "Make way for these voters," and they went up and voted again.

Question. Did you see any other illegal voting ?

Answer. Not to my knowledge.

Question. How long have you lived in the seventh ward ?

Answer. Nearly three years.

Question. Is there a large naturalized vote in the seventh ward ?

Answer. Yes, sir.

Question. Can you form any estimate of the numbers of such votes ?

Answer. I should think there is in the neighborhood of seven hundred, but it is very difficult to form any estimate.

Question. How many naturalized voters deposited their ballots while you were at the polls on that day?

Answer. I don't think I saw any that belonged to the Democratic party or Reform party; I saw one naturalized man vote, but he got his ticket from a sweep-master, and I know it was an American ticket.

Question. While you were at the polls was the poll in fact closed to the Reform party as a whole?

Answer. Yes, sir.

*Cross-examination by John L. Thomas, Jr.*

Question. When Mr. King offered to bet you that you would not vote, do I understand you as saying that he had joined a conspiracy to prevent you from voting?

Answer. I didn't say so; but that was my impression from the fact of the bet being offered.

Question. Did you see King on the day of the election?

Answer. I did.

Question. Was he one of the crowd around the window?

Answer. He was not.

Question. Did he in any way prevent you from voting?

Answer. He did not to my knowledge.

Question. You say you saw Lee with twenty-five to forty men and boys together; did you count the crowd?

Answer. I did not count them at the window.

Question. Name as many as you can?

Answer. Armstrong, he lives in Bond Street, and does business for Squire Wheat, and is a constable; Ned Lee, formerly a police officer, I don't know his residence; Andrew Petticord, he lives in Swampoodle; it is a difficult matter for me to recollect names; if I had time I could give more, if not nearly all their names, but the faces of the most of them were familiar to me.

Question. You say some of them were boys; how many of them were boys?

Answer. About six or seven of them, who appeared to be from eighteen to twenty-one years of age.

Question. Did you see every man in the crowd vote when the window was first opened?

Answer. I did not.

Question. How many did you see of that crowd vote?

Answer. I think I saw nearly all of them vote, two by two, after the window was opened, as fast as the judges could take in their votes.

Question. Will you mention the name of such of those as you saw vote when the window was first opened, and who afterwards returned and voted again?

Answer. I cannot give the names of any of them, though I know their faces.

Question. Was there any violence used at the polls while you were there, other than what you have mentioned?

Answer. Mr. Austin was hurt to my knowledge, and I saw Mr. Russell knocked down; I don't recollect other particular cases.

Question. Where were the polls previously held while you lived in the ward?

Answer. At the last charter election on the corner of Orleans and Caroline Streets; before that, I believe, at the corner of Caroline and Monument Streets, at Southerland's tavern.

Question. Is not the Lafayette Engine House near the centre of the ward?

Answer. No, sir; it is near the southern boundary of the ward.

Question. Is not the space in front of the engine house wider than any other part of the ward?

Answer. No, sir, there are wider places in the ward.

Question. Upon what was your impression founded, that the rowdy clubs had deposited firearms in the engine house or near it?

Answer. My impression was founded upon the fact, that I heard one of the members of the clubs say that they intended to arm themselves almost to the bayonet, and I saw two or three of the party with deadly weapons; a man named Riddlemoser, who lives on Monument, near Bond Street, rented a stable to the clubs, and he told me that they had arms in his stable; I think *he* told me, but I won't be positive.

Question. Do you know of any one that was deterred from voting because the polls were held in the Lafayette Engine House?

Answer. Yes, sir; a man named McShane, a man named Parr, one named Colts, a stocking-weaver, one named Beck; there are a great many others, within two or three squares of me, who were deterred from going to the polls at all, because of threats having been made by the clubs, and the course that was pursued by the clubs, and the whole circumstances of the election.

Question. Did you see any Reformers vote at all?

Answer. I did not, to my knowledge.

Question. Were you struck?

Answer. I was not struck.

Question. Did you make any effort but the one to get up?

Answer. I made but one effort, for I saw it was impossible for me to vote.

*Examination on both sides closed.*

BALTIMORE, December 14, 1859.

Correct.

WM. C. TAPPAN.

Test—DANIEL E. MYERS, J. P.

THOMAS TURNER, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:—

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident of the seventh ward of the city of Baltimore, and a legal voter in that ward?

Answer. I was.

Question. Did you go to the polls of that ward on that day? if so, for what purpose, and at what hour did you go, and how long did you remain there?

Answer. I went to the polls at about a quarter before nine o'clock, for the purpose of voting, and remained there until nearly four o'clock, P.M.

Question. Did you vote; and if so, under what circumstances?

Answer. As soon as the polls were opened, I went up to vote, and was pushed out; I waited a short time, tried it again, and was pushed out a second time; I went out into the middle of the street, and after some time I tried it again, and was crowded out a third time; the fourth time, after another interval, I was served in the same manner: the fifth time I started from the curb-stone, and I had hardly taken a step, when I was stuck with an awl, and stepped back and went to the other side of the street; the sixth time, when I saw a little space open, I rushed in and put in my vote; the attention of the crowd was at that moment turned down the street, and I thought that was a good chance and slipped in; another man went in with me about the same time; after he had voted, the crowd chased him, caught him and beat him, and then I went right home; this was about four o'clock.

Question. Were you designedly pushed out on these several occasions?

Answer. I was.

Question. Was there a crowd in possession of the window even before it was opened; and if so, what tickets were they holding?

Answer. There was a crowd in possession of the window before it was opened, and they were holding the "American" tickets, which were narrow and had a stripe down on each side of the names.

Question. Did this crowd remain in possession of the window during the whole time you were there?

Answer. They did; there were two sets of them, and they relieved each other, going off from time to time to drink at a little shanty they had rigged up near the polls.

Question. Did you see any illegal voting?

Answer. I cannot say whether there was any illegal voting or not.

Question. Did you see any naturalized voters vote?

Answer. Yes, sir, I for one voted; one of the crowd at the window, Ned Lee, who had the whistle, said, that none but native born citizens should vote.

Question. Did you see native born residents of the ward prevented from reaching the window, by the same crowd?

Answer. I saw plenty of them, but cannot name any of them; I do not pay much attention to the names of persons; every man that wanted to vote the Reform ticket and was known, was crowded away.

Question. Did you see any persons with American tickets in their hands go up to vote; and if so, state whether they experienced any difficulty in voting?

Answer. I saw plenty of them; they met with no difficulty at all; there was a way opened for them.

### *Cross-examination.*

Question. Did you see any acts of violence and intimidation practised other than you have mentioned?

Answer. Yes, I saw John Sullivan coming up from the polls with his face bleeding; I saw a man run from the polls down Caroline Street, and he was pursued by some of the crowd, knocked down and kicked; I saw another man come out of the crowd off the pavement, with his eye cut, and his face and bosom covered with blood; I did not see him struck.

Question. Did you see any of that crowd use any threats, or other means of frightening men away from the polls?

Answer. None, other than I have mentioned; now and then when they saw a man that they had a respect for, they would tell him he had better go home and keep himself out of trouble.

Question. How many were at the polls, when the window was opened?

Answer. About twenty-five or thereabouts.

Question. Do you know any of them by name?

Answer. Yes, acting Mayor Spicer's son, who first crowded me out, a man named Forrester, Sirling, Ed. Lee, and a great many more, whose names I know, but cannot now recall.

Question. Did you see any rioting about the polls?

Answer. Yes, sir, they were crowding and pushing all the time; punching with their elbows; beating people all the time I was there.

Question. Did you see any Reform tickets about there?

Answer. Yes, a good many.

Question. Did you see any Reformers vote?

Answer. Yes, sir.

Question. How many?

Answer. Two that I know; I cannot say positively that I saw more actually vote; I saw in the crowd a great many trying to vote.

Question. Do you know whether there were any firearms in the engine house?

Answer. Not to my knowledge.

Question. Do you know whether any persons were prevented or intimidated from going to the polls to vote, because the polls were held at the engine house.

Answer. I do not.

Question. Did you hear anything of a rumor that arms were stored at the engine house?

Answer. I did not.

Question. How many naturalized voters did you see vote?

Answer. As I said before I voted, and one Joseph Cartoll.

Question. How many did you see go up to vote, who were prevented from voting?

Answer. I cannot pretend to tell; I saw more than a hundred crowded out; and some of them went away and I do not know whether any of them voted at all.

Question. How many men in the ward to your knowledge, remained at the polls as long as you did and tried to get their votes in without succeeding?

Answer. I cannot pretend to say.

Question. How many men in the ward remained at the polls, Reformers, I mean, while you were there, who succeeded in voting?

Answer. One, Captain Gifford, whom I saw vote; Mr. Colton and Mr. A. Hancock who remained there, but I don't know whether they voted or not.

*Examination closed.*

BALTIMORE, December 14th, 1859.

Correct.

THOMAS TURNER.

Test—DANIEL E. MYERS, J. P.

LOUIS MULLER, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, a resident of and legal voter in the ninth ward of the city of Baltimore.

Answer. I was.

Question. Did you go to the polls of that ward on that day; if so, for what purpose, and how long did you remain?

Answer. I went to the polls at a little after nine o'clock, for the purpose of voting and assisting other legal voters in voting, and remained about two hours.

Question. Did you vote; if so, did you experience any difficulty in so doing?

Answer. I did vote; when I first went there, there was a crowd of about twenty of the American party standing around the window; they held possession of both sides of the window, and would not allow us, the Reformers, to have either side; they threatened to beat us; one of them told me, that I should have blood for supper; I tried to get my vote in for half an hour, before I succeeded; I got my vote in finally.

Question. Were the persons who obstructed your access to the window voting, or attempting to vote themselves?

Answer. When I saw them, they were neither voting, nor attempting to vote.

Question. What were they doing?

Answer. They held possession of the polls, and every now and then, they would cry out, "keep the polls out," and then they would push and crowd all the Reform voters; whenever one of their own party, an American I mean, would come, they would open the way for him and let him vote.

Question. Did you see any quiet and peaceful voters assaulted, obstructed, or interfered with in their attempt to approach the polls to vote; if so, state the circumstances of such assaults, obstructions, or interference, and who the parties were?

Answer. I saw a number of them obstructed; one man in particular who keeps a hotel in Gay Street, opposite Dr. Hintze's, whose name I don't know, who was obstructed, and because he made some remark, such as "that is a shame," they beat him, and a police officer ran up and seized him, and carried him off; there was a number of others whose names I did not know; in fact, these cases were occurring all the time I was there; most of them were foreigners; I saw a foreigner attempt to vote, and they took his papers, struck him once or twice, and pushed him out; he went away without his papers; very few of the foreigners attempted to vote after that.

Question. Where were the polls of that ward held?

Answer. In Balderston Street, next to the Union Engine House.

Question. Was it a location favorable to a full, fair and honest

ballot, by the voters of the ward, and if not, state the reasons why it was not?

Answer. I think it was not; it was on the very uppermost part of the ward, next to the engine house, which has been frequented by some of the worst men, I think, in the ward; they used it pretty much all day as a rendezvous, and for going in there through the day, while I was there, changing their coats, and coming out again; I mean the "American" party, so used it.

Question. Why did you leave the polls?

Answer. I remained there until about eleven o'clock, when a riot occurred; they beat a man, and just at that time, a large crowd came running down from Charles Street, yelling and whooping, with pistols in their hands; they sung out, "hurrah Northern Liberties;" they were men whom I had never seen before; after they got down, they acted more violently than any body else; when I saw that, I made up my mind that it was no use for me to remain any longer, that there was no chance of having a fair election, and that it was dangerous to remain longer, and I then left.

Question. Did the police make any attempts to quell the disorder at the polls, or to protect the voters?

Answer. No, sir, my impression is, that they rather favored it; there was only one that came tolerably near the crowd, and he did nothing.

Question. Did the disorder and riot at the polls, as observed by you, appear to be a sudden outbreak, or upon a pre-determined plan and system?

Answer. It appeared to be pre-determined, I think.

### *Cross-examination.*

Question. Which of your personal acquaintances, who made persistent efforts to vote, failed to get in their votes at the ninth ward polls?

Answer. I have very few personal acquaintances in that ward; I do not know that I saw any of them vote, or attempt to vote.

Question. Have you a knowledge that any of your personal acquaintances, in the ninth ward, failed to get their votes in?

Answer. I have no personal knowledge to that effect.

Question. Was there a discharge of firearms, whilst you were there?

Answer. I do not remember any.

Question. Did you hold Reform tickets, at the ninth ward polls?

Answer. Yes, I did.

Question. Were there many holders of such tickets on the ground; if so, how many?

Answer. Very few, may be three or four; I only remember one other besides myself.

Question. Were you injured, or hurt in any way, in getting your vote in?

Answer. No, sir.

Question. Were any of your personal acquaintances hurt at that election on that day, at those polls?

Answer. No, sir, not that I saw.

Question. Was there any organization of the Reformers at the ninth ward polls?

Answer. The night before a number of them promised to be on the ground by nine o'clock; some few of them came.

Question. What was the largest number of the Reformers at any one of the Reform meetings that you may have attended in the ninth ward, prior to November 2d, 1859?

Answer. I should suppose about thirty.

Question. Can you state, as of your own personal knowledge, that any illegal votes were received by the judges at the ninth ward polls; if so, please give the name or names under which such persons voted?

Answer. No, sir.

Question. Did you see any persons whom you personally know to be legal voters, prevented from voting at the ninth ward?

Answer. I don't think I did.

*Examination on both sides closed.*

BALTIMORE, December 14, 1859.

Correct.

LOUIS MULLER.

Test—DANIEL E. MYERS, J. P.

HENRY FUNK, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you a legal voter of the sixth ward of the city of Baltimore, on November 2d, 1859.

Answer. I was.

Question. Were you "cooped" prior to that election?

Answer. I was.

Question. State all the circumstances of such cooping?

Answer. Saturday night before the election I was taken, right opposite to the watch-house, in Saratoga Street, by Joe Cramer and another man, and was taken by them into the watch-house, and they told me they charged me with making a noise in the street, which was untrue; I was in there about half an hour; I

saw no one there but one police officer; Arnold, the baker's son, came and said he had gone my security, and asked me to go with him to take a drink; he and three or four others went up Holliday Street with me, and when we got to Ras Levy's place we went in, and they asked me to drink; I took some whiskey—for they knocked me down flat on my back, and poured the whiskey into me, about half a pint; I holloaed and screamed, and then they clapped me down in the cellar, and came down and robbed me and took my money, five dollars all to eight cents, from me; I wouldn't give it up, and they beat me on the head, hand and lip, and took the money away from me; then they marched me through a hole into the adjoining house, and carried me up stairs to the second floor; there Arnold's son beat me again; Sunday morning, about nine o'clock, I took the slats out of the window, which had been nailed on the inside, and went out on the ledge and stood there; I was going to jump, and I saw a party below with bricks, and then some fellow caught me by the collar behind and drew me back, and then they handcuffed me and gave me a lashing; I saw Marshal Herring standing on the other side of the street, about an hour in the afternoon; they kept me there till election day; they kept us all there like hogs in a pen; the floor was full of excrement and stuff of all kinds; I saw men brought in there who were searched and robbed; I saw one German, who was very anxious to get home, who said he lived in the country, twenty-two miles, and left his team at the market, and he made a noise to get out and they handcuffed him, and kept him so all night, and stripped him of all his clothes, except his shirt and drawers, and they took a comfort and put it around his neck and said they would hang him, and he went down on his knees and said he would be quiet, and then they let him alone; there was one of those who kept the coop whom they called "Governor," another "Captain," another "Steward;" they kept me in the coop till Wednesday morning, and they gave me a ticket and wanted to make me vote, but I wouldn't vote, for I ran away at the time the shooting commenced; I was at that time on the first floor; two squads of six were brought down before I was brought down; and when the party who kept the coop went out with pistols and guns, I saw them shoot; I followed out behind them and made my escape, holding the ticket, which was an "American tenth ward ticket," in my hand.

Question. How many persons were confined in that coop?

Answer. In the rooms where I was, a front and back room, there were some seventy or eighty persons; there were sixty-three there, I think, on Tuesday morning, and they brought right smart into the coop after that.

Question. Did you see any arms in the house, or in the hands of those who kept the coop?

Answer. I saw fellows come in with revolvers in their hands, which they pointed at the men in the coop, and told them to lie

down and go to sleep, or they would be shot; and they had guns at the door, and they always came in with large clubs, like watchmen's clubs, in their hands; and I saw them beat men with them too; one German was brought in with a large beard on, and Crab Ashby took a candle and set fire to his beard and burnt it off.

Question. Are you acquainted with Peter Fitzpatrick, who has testified to having been confined in the same coop?

Answer. I am not acquainted with him.

Question. Did you vote in your own ward that day, November 2d, 1859?

Answer. I did not; I went there to vote, and was chased away.

*Examination closed.*

BALTIMORE, December 14th, 1859.

HENRY FUNK.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 15, 1859.

BALTIMORE, December 15, 1859.

ADOLPH J. L. SIMON, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a legal voter of the twelfth ward of the city of Baltimore?

Answer. I was.

Question. Were you in the vicinity of the polls of the tenth ward of that city; if so, at what hour?

Answer. I was, at about three o'clock, P. M., on that day.

Question. Did you see any votes given, the legality of which you suspected; if so, state what they were?

Answer. I saw three men vote, who were brought to the tenth ward polls by two men on the footman's stand, two inside with the voters, and one alongside the driver, who was a negro man; judging from the way they were led to the polls, I suspected they were illegal votes.

Question. Did that suspicion induce you to follow the carriage subsequently; if so, where did it go?

Answer. I followed the carriage until it arrived in the neighborhood of the ninth ward polls. It stopped on Charles Street, near the corner of Balderston Street; I succeeded in arriving

at the polls of the ninth ward, about fifty steps ahead of the party; I saw a policeman opposite the polls, and told him, that there was a party of men coming up to vote there, whom I had just seen vote at the tenth ward polls; he said, "We have nothing to do with it, go to the judges;" I also added, that I was willing to swear to the fact, that I had seen these men vote at the tenth ward polls; I went to the judges, and asked one of them to let me speak in his ear; he inclined his head towards me, and I told him that I had just seen those three men, who were then just coming up to vote, vote previously at the tenth ward polls; a person alongside of the judge, in the room, said to those standing outside (a crowd of some thirty persons), that these men are challenged, and he repeated the same thing to those in the room; the same person then asked one of these men, who were offering to vote, one of the three I mean, where he lived; several persons standing around him said he lived in Charles Street; I then saw his vote accepted by the judge; the man inside had scarcely spoken to those inside, that these votes are challenged, as I have said above, when I heard the tramp, as of some half dozen men, and having seen enough to know that I could do no good, and seen and heard enough to know that I was in personal danger, I left as quickly as possible; that I was in personal danger was further confirmed, after having got some twenty steps from the polls, by hearing some half dozen persons in a very threatening voice, cry out, "There he goes! there he goes!" I went from there to the eleventh ward polls, and then to the twentieth ward polls, and I saw several carriages apparently engaged in the same kind of work.

Question. When you left the ninth ward polls, did you leave the other two of the three men of whom you have spoken, at the window?

Answer. I did.

Question. Did the judge of election, who took the vote, swear the voter, or did he offer to swear you, when you objected to the vote?

Answer. He did not swear me, nor did I see him, nor do I believe he did swear the voter.

### *Cross-examination.*

Question. Did you vote at the twelfth ward polls on the day of election?

Answer. I did.

Question. Did you get your vote in without difficulty?

Answer. Yes, sir.

Question. Were you connected with the "American" party on that day?

Answer. No, sir.

Question. Was there a free and open poll at the twelfth ward on that day?

Answer. I can only speak of the very short time I was there, about fifteen to twenty minutes, between one to half-past two o'clock, and during that time it was a free and open poll.

Question. Whilst at the tenth ward polls how many persons were about the judges' window?

Answer. There were two challengers at the window; from that window to the pavement, drawing straight lines from the two sides of the window at right angles with the house to the curbstone, there was a file of say fifteen persons.

Question. Was there a barricade there?

Answer. There was not.

Question. Did you see any obstacle to the free access on the part of the voters to the judges' window at the tenth ward polls?

Answer. I did not see any voter kept from the polls at the time I was there.

Question. Did you see violence or intimidation offered to any person approaching the polls of the tenth ward?

Answer. I did not.

Question. Was there a barricade at the ninth ward polls?

Answer. No, sir.

Question. Did you experience any difficulty in getting to the judges' window at the ninth ward polls at the time you desired to communicate with the judges?

Answer. I did not experience any difficulty, because I moved too quickly.

Question. Was there any hustling or shoving of voters at the ninth, tenth, eleventh, or twentieth wards at the time you visited them?

Answer. At from three to four o'clock, which was the time I visited those polls, I saw no hustling or shoving of voters; I cannot remember distinctly.

Question. Was there any disorder at such polls at the time you visited them?

Answer. I cannot remember distinctly enough now to say; particularly as I do not distinctly understand what you mean by *disorder*.

Question. Were you struck or in any way injured on November 2d, 1859, whilst at or about the polls you visited?

Answer. No, sir.

### *Re-examination.*

Question. Were the polls that you visited at the hours you have mentioned in the exclusive possession of parties of disorderly rowdies?

Answer. I should say, yes, as well as I could judge, from the appearance of the persons at the polls; at the twentieth there

were too few persons for me to say so, I mean in the immediate vicinity; there were crowds around and opposite the window across the street.

Question. Did you see any decent looking citizens attempting to vote at any of the wards you have mentioned as having *visited*?

Answer. At the ninth, tenth, and eleventh I did not see any decent looking citizen attempt to vote; at the twentieth I saw but one, who acted as if he were deaf and dumb.

Question. Whom did you see vote at these different polls?

Answer. I have mentioned three at the tenth ward, and there also I saw one young man, who, from his appearance, I judged to be a youth of from fifteen to eighteen years of age; at the eleventh ward polls, I saw rough looking rowdy sort of men get out of carriages and go up to vote, but I did not see them actually vote, though I saw them go up to the window.

Question. When you approached the window at the ninth ward polls, had you a ticket of any kind in your hand?

Answer. No, sir.

Question. Did you see any of the individuals around the polls of the different wards holding tickets; if so, of what kind?

Answer. I saw some individuals holding tickets, and can only judge of the political character of such tickets from hearing the parties read the names on them, which were those of the American candidates; I saw no Reform tickets at any of the polls I visited.

#### *Cross-examination.*

Question. How long have you been a voter in the city of Baltimore?

Answer. Eleven or twelve years.

Question. Were all the American voters that you saw at the polls of the city of Baltimore on November 2d, 1859, rough looking men, and men who couldn't pass for decent even on election day?

Answer. All the rowdies that I saw at the polls I took to belong to the American party, but I do not mean to say that all "Americans" are rowdies.

#### *Examination closed.*

BALTIMORE, December 15, 1859.

Correct.

ADOLPH J. L. SIMON.

Test—DANIEL E. MYERS, J. P.

DR. FREDERICK E. B. HINTZE, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the ninth ward of the city of Baltimore?

Answer. I was.

Question. Did you go to the polls of that ward on that day; if so, at what hour, and how long did you remain there?

Answer. I went there about half-past nine, and remained, with intervals of absence, until late in the afternoon, between three and four o'clock.

Question. While you were there, was there any obstacle to a fair, free and honest ballot by the voters, and if so, what?

Answer. The first obstacle was the location of the polls, they being held on the extreme limit of the ward, in a low groggery, next door to a vacant engine house, which is used as a rendezvous for disorderly persons and an armory; persons went in there, changed their garments, and came out and voted repeatedly; it also contained refreshments and intoxicating drinks for the use of these disorderly persons; after the first hour, the polls were in entire possession of ruffians, who interfered with every person who did not vote the "American" ticket; those voting the American ticket were not interrogated by either judges or the crowd; and those who were known to be Reformers, were thrust from the polls, and if they succeeded in reaching the window, particularly in the case of a naturalized voter, every obstacle was opposed to them, both by the external crowd and the majority of the judges; some were deprived of their naturalization papers, one case particularly, others were beaten away and driven from the polls; many were interrupted some squares from the polls and driven away by menaces; the majority of those persons attending the polls and interfering with the voters, were, with few exceptions, non-residents of the ward; some hailing from the "Northern Liberties" of Philadelphia, by their cries, a party of whom, about twenty, rushed to the polls about the middle of the day, with drawn revolvers; I succeeded in obtaining a vote for some, by exhibiting the ticket of the voter, with the name of the magistrate of the American party on the ticket; there were two American candidates for magistrate in the ward, and the return judge agreed to admit any vote which would take his favorite candidate for the magistracy; in that way by giving the judge a signal, I succeeded in getting several Reform votes in, of persons whom I took up to the window; two of the judges of election were two of the most obscure and unscrupulous men in the ward; the votes were recognized by the breadth of the ticket, the Reform ticket

being broader than the "American," which was narrow; as soon as a person would present himself who either held the Reform ticket, or whom the crowd appeared to suspect, they would ask him to show his ticket or to take one from them; upon refusing to do so, a cry of "make room for the voters" would be raised, and then placing their hands against the wall, the crowd would thrust themselves up against the voter, and endeavor to throw him over a fireplug, which was very convenient to them, being right in front of the window, and after a fall over that a voter would seldom return; in other instances they would take one of their own party, and throw him against the approaching voter; shortly after noon, the Reform judge retired, persons then voted over and over again without any disguise; many persons attempting to get up to the window, were driven away by blows.

Question. Can you form an estimate of the naturalized vote of the ninth ward?

Answer. I should suppose from four to five hundred; nearly all the residents, at least a great majority, say three-fourths, of the residents are foreigners.

Question. Can you form an estimate of the number of naturalized votes polled while you were there?

Answer. I don't suppose there were more than forty.

Question. Were there any police on the ground?

Answer. There were.

Question. Did they make any arrest of persons creating disorder?

Answer. No, sir, none of them made an effort to check disorder; one of them in particular, I noticed, had not his uniform on, and they, the police, assisted rather than otherwise in promoting disorder, some of them acted as challengers and vouched for some voters; I repeatedly appealed to them to repress the disorder, and so did one of the judges, requesting them to open the way to the polls. One of them walked toward the window and retired again without saying anything; if a Reformer was struck and attempted to resist and defend himself, he was at once arrested and carried away.

Question. How often did you see the same individual vote?

Answer. One in particular I saw vote three times; I did not know the man, he was a stranger to me, but I recognized him by his dress and his whiskers, which were black.

Question. Did you see persons vote there whom you had never seen vote there at previous elections?

Answer. Yes, sir; and I saw persons vote there from other wards too.

Question. Can you form an estimate from your knowledge of the ward of the number of legal "American" voters in the ward?

Answer. We blocked a portion of the ward, from my knowledge of the ward, of which I have been a resident for fifty-six

years and a voter for thirty-five years ; I do not think there are more than sixty to one hundred legal "American votes;" I have a good knowledge of the voters, having represented that ward in the City Council for seven years ; I myself assisted in blocking two of the blocks, and in one of those two blocks we found about thirty-five Reform voters, and about five American voters, and in the other block we found about thirty Reform voters to about three "American."

*Cross-examination.*

Question. Did you vote on that day ?

Answer. I did.

Question. How many Reform voters did you assist in getting in their ballots ?

Answer. Probably from twenty to thirty.

Question. Were any legal voters, to your knowledge, rejected by the judges.

Answer. They were not rejected, but in many instances they were detained by the judges in swearing them, and in various other ways, until the crowd pushed them away.

Question. Was there a general turn-out of the naturalized citizens of the ward at the polls ?

Answer. They came near the polls and some were met at a distance from the polls and intimidated by threats, and others seeing the disorder at the polls and hearing the threats made to others, they were intimidated from coming up to the window ; otherwise there was a pretty general turn-out ; others were deterred by the locality of the polls themselves, and did not come up ; some came up and stood opposite the polls, but seeing the voters maltreated, they did not attempt to vote.

Question. Can you specify by name the Reformers who were prevented from voting, after persistent efforts so to do ?

Answer. Two brothers named Morton, Patrick and Michael ; these two I myself saw ; there are others whom I saw driven away, whose names I do not know.

Question. Please state the number who you have a personal knowledge, attempted to vote, but were prevented from so doing.

Answer. I should say at least forty or fifty, whom I myself saw prevented by actual violence.

*Examination closed.*

BALTIMORE, December 15, 1859.

F. E. B. HINTZE.

Test—DANIEL E. MYERS, J. P.

JOHN Z. HEINER, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you a legal voter of the ninth ward of the city of Baltimore on November 2d, 1859?

Answer. I was.

Question. In what capacity were you at the polls of that ward on that day?

Answer. I was one of the clerks of election.

Question. Was there a free and open poll held in that ward on that day; and if not, how was it obstructed?

Answer. At no time during the day was there a free and open poll, but from two to three o'clock, I cannot speak positively, for I was absent; the members of the American party took possession of both sides of the window, and whenever one known or by them suspected to be a Reformer, approached, he was either hustled away or obstructed and intimidated by violence.

Question. How long did you remain at the polls?

Answer. From nine o'clock in the morning until the ballots were all counted, except the interval between two and three o'clock, P. M.

Question. Did you see any illegal voting done during the day?

Answer. I did; at certain times during the day, through my endeavors, some of the ballots were kept back; I cannot specify by name the persons who voted illegally, but I saw the same persons vote over and over again, under different names.

Question. Did you see many individuals vote repeatedly, and did you see the judge deposit their ballots in the ballot box?

Answer. I did, but I do not know the names of the persons so voting.

Question. Were you threatened by the crowd outside the window, because of your making objections to votes?

Answer. I was repeatedly threatened by the crowd outside, some of them damning and swearing that if I objected to another vote they would haul me out and kill me, not only that, but the two American judges and the American clerk, told me to look out for myself, that I had no right to object, as I was clerk.

Question. Were the judges, or any of them, threatened by the crowd outside, in consequence of refusing to receive any vote?

Answer. Yes, sir; during the day a Mr. Manly, from the Point, Jim Manly, I think is his name, and John English drove up in a buggy, when one of the American judges was about taking a vote, and they told the judge that if he took that vote,

they would haul him out of the polls; the judge was about taking the vote, when Manly jumped from the buggy, made his way through the crowd, and while he was making his way towards the window, the man who was attempting to vote was hustled away from the window, and that was the last I saw of him.

Question. Was there a judge there belonging to the Reform party?

Answer. There was, Mr. Thomas Daly; between twelve and one o'clock, noon, he left, telling the other judges and the clerks, he wouldn't stand it any longer.

Question. Had he been threatened before he left?

Answer. He had been spoken to by the crowd outside, that he had no right to take votes, and that if he took another one they would haul him out the window; he became intimidated and left.

### *Cross-examination.*

Question. As clerk of the election, could you not have marked on your poll-book, with some check or private mark, against the names of those you suspected or believed to have cast illegal votes, and then have been able to show precisely those you suspected.

Answer. I took a memorandum of everything that occurred during the entire day—the hours and the names of the parties, as near as I could find out; I kept this memorandum for some time, but not being called on, either mislaid or destroyed it.

Question. Are you acquainted with the voters of the ninth ward, if so, do the American born citizens predominate?

Answer. I was born in the ninth ward, and have lived in the same house, with the exception of some three or four years at college; I was twenty-two years of age in July last; I have circulated a great deal in the ward, and know most of the voters by name or otherwise; the foreign born population predominates considerably.

Question. Can you give the names of any legal voters who, after persistent efforts to vote, were unable to do so; and can you give the number of such, as came under your personal observation?

Answer. There were two, Mr. Michael and Mr. Patrick Morton—whom I know to be voters of the ward, because, at the Council election, they voted—out of a number of instances, whose names I can recollect; I saw these two beaten, almost murdered; I have no idea of the number so prevented, for I was acting as clerk, sitting down, and could only look out when a fracas occurred.

Question. Do you remember as many as twenty or thirty so prevented?

Answer. Yes, sir, I think there were more, but I cannot say how many more.

Question. Please state how many votes were taken, which you can and do positively declare to have been, from your own personal knowledge, illegal votes?

Answer. To the best of my knowledge and belief, I should say that the illegal votes of persons voting over and over again, were between two and three hundred.

Question. Did you observe a general attendance at the ninth ward polls of the foreign or naturalized citizens?

Answer. Not right at the polls, that is before and around the window, they were across the street and at the corners.

Question. Were you at the Reform meetings of the ninth ward prior to the 2d of November, 1859, and if so, what was the largest number of the Reformers in attendance?

Answer. No, sir, I was not at any meeting of the Reformers of the ninth ward.

Question. Were you appointed clerk by the "American" judges?

Answer. No, Mr. Daily, the Reform judge, asked me to act as clerk, and I did so.

Question. Are you to be understood as declaring as your belief that a majority of the naturalized citizens made no attempt to approach the judges' window, with a view to vote?

Answer. I cannot say, for I had not an opportunity to judge.

Question. Do you remember the vote of the Reform party at the election of that day?

Answer. I do not recollect.

Question. Of the Reform vote cast was or was not the great bulk of it given by naturalized voters?

Answer. No, I think not.

Question. Could you as clerk at the time of recording the name of the voter discriminate what ballot he cast?

Answer. Yes, sir, I think I could from the width of the ticket.

Question. Which of your personal acquaintances were prevented from voting at the ninth ward polls after persistent efforts so to do; please give their names?

Answer. The two Mortons whom I have mentioned; there were others whose names I do not now recall.

Question. Did you vote?

Answer. I did.

### *Re-examination.*

Question. Were persons brought to the polls in carriages and other vehicles and voted?

Answer. Yes, I saw three or four carriage loads voted, some got out of the carriages and some did not.

Question. By whom were the ballots counted and strung after the polls were closed?

Answer. By the two remaining judges, with Mr. Montague and a Mr. Denison and J. A. Pierce, a candidate for constable in the ward, and Joseph Creamer, also a candidate for constable in the ward; these men helped to lay the ballots out, fingered them and strung them.

Question. Did these persons whom you have mentioned other than the judges, take any ballots out of the ballot box during the count?

Answer. Certainly, they did.

*Cross-examination resumed.*

Question. Did you see any fraud, and if so what, on the part of these persons so assisting and helping the judges?

Answer. No, sir, I did not.

BALTIMORE, December 15th, 1859.

Correct.

JOHN Z. HEINER.

Test—DANIEL E. MYERS, J. P.

THOMAS DAILY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, at the ninth ward polls of the city of Baltimore, and if so, in what capacity?

Answer. I was acting as judge of the election; I went there at about nine o'clock and remained there until after noon.

Question. Was there a free and open poll held while you were there, and what obstructions, if any, were there to a free approach to the judges' window?

Answer. There was not a free and open poll there at any time while I was there; there were from twenty to fifty men who formed themselves in a circle round the window and would not allow any persons whom they thought not to be of their own, that is the "American" party, to approach the window.

Question. Did this crowd of persons beat as well as push away persons who sought to approach the window?

Answer. Yes, sir.

Question. Was the American ticket of such a character as to be easily distinguishable, when folded, from the Reform ticket?

Answer. I do not know, sir, for the reason that the two other judges objected to my taking any tickets or handling any.

Question. When voters were assaulted in their efforts to approach the window, did you call upon the police to assist them and protect them, and if so, with what success?

Answer. I called upon the police to clear the ground in front of the polls so that legal voters could get up and vote, and they told me "they had no orders to do so," and turned round and walked off.

Question. Did you see any persons severely beaten in their attempts to approach the window, and if so, did the police arrest the parties assaulting them?

Answer. I did see several very badly beaten, and one or two of them unmercifully, and the police interfered while they were being beaten, but did not arrest any body at any time that I saw.

Question. Did you see any, and if so how many, naturalized voters deposit their ballots?

Answer. There was a few, as near as I could judge about twenty.

Question. Did you see many naturalized citizens in the vicinity of the polls, though not at the window?

Answer. There was a considerable crowd on the opposite side of the street; they would come there and look on to see what was the chance to vote and see what was going on.

Question. Did you see many naturalized citizens prevented by force from voting?

Answer. Yes, sir, there were a great many; they would come up and get pushed out, and if they tried it again they would get beat, and if they reached the window their tickets were jerked out of their hands and thrown away.

Question. Were you threatened with violence; if so, for what?

Answer. Every five minutes the crowd outside and the judges inside would tell me I had no business to interfere with what was going on outside; the crowd outside would threaten me, telling me they would mark me, catch me again, pull me out of the window; sometimes they would loosen the partition before the door, and then it would have to be fastened again.

#### *Cross-examination.*

Question. How long have you been a resident of that ward?

Answer. Since 1855, in June.

Question. When were you first appointed judge of election in the ninth ward?

Answer. I received my commission on Sunday morning before the election.

Question. Have you a personal acquaintance with most of the voters of the ninth ward, or do you know the most of them personally?

Answer. No, sir; I know very few of the voters in the ward, having meddled but little in politics.

Question. Please state whether the judges rejected any legal voters whilst you were at the polls?

Answer. There were votes presented there which I considered legal, and the crowd outside objected to them, and the judges rejected them.

Question. How many such votes?

Answer. I cannot say how many; there were several such cases.

Question. Why not?

Answer. Because I did not keep an account of them.

Question. Were there as many as twenty?

Answer. I could not particularize any number, for I had too much to attend to, to keep any account of them.

Question. Do you believe there were ten such cases?

Answer. I should not like to particularize, but if I did, I should say at least ten.

Question. Did you receive any illegal vote, knowing it to be such at the time?

Answer. I received no votes at all; the judges objected to my handling them.

Question. Were any votes received by the judges, which you knew of your own knowledge to be illegal?

Answer. I stopped the judges from receiving the votes which I knew to be illegal, because the parties had voted before; I could not say that the judges received any illegal votes that I *particularly* knew to be such.

Question. Were any of your personal acquaintances injured at the ninth ward polls; if so, who?

Answer. I saw Dr. Morris badly struck; there were no others whom I know personally; I have a very small acquaintance in the ward.

Question. Who were the persons you saw severely beaten in their attempts to approach the window; and how many do you mean by the word "several," used by you?

Answer. I did not know the names of the persons except Dr. Morris, and he was trying to protect a man who was beaten very badly; I could not give a very correct number of persons so beaten, but I saw from twenty to thirty such cases.

Question. Was there any discharge of firearms whilst you were at the polls?

Answer. No, sir; I saw them drawn several times, but they were not fired.

*Examination closed.*

BALTIMORE, December 15, 1859.

THOMAS DAILY.

Test—DANIEL E. MYERS, J. P.

DR. JOHN MORRIS, a witness of lawful age, produced on the part of the contestants, having duly affirmed, deposes and says :

*Examination in chief.*

Question. Were you, on November 2d, 1859, a legal voter of the city of Baltimore, and if so, of what ward ?

Answer. I was of the ninth ward.

Question. Did you go to the polls of that ward on that day, and if so, for what purpose ?

Answer. I did, for the purpose of voting.

Question. While you were there, was there free access to the polls for all voters, and if not, how were they obstructed ?

Answer. I was at the polls from about a quarter after ten o'clock, A. M. ; I voted at about that time without any real obstruction ; I left the polls for the purpose of going home, immediately after voting ; when I got to the corner of Light and Balderston Streets, a little more than half a square from the polls, I met two voters, the brothers Morton, who requested me to go back with them to the polls, to see them vote, as they were fearful to go alone ; I did so ; when we reached the polls I pointed out to the elder brother, the passage up to the window, and told him to go up and vote ; as soon as he attempted to reach the window, he was thrust violently out into the gutter, and was met with exclamations like these, " clear out, get away, you shan't vote here, damn you," &c. ; after being thus violently thrust into the gutter, encouraged by me, he made a second effort to vote, and he was again thrust out with greater violence, and struck by the crowd ; I encouraged him to make the third effort, which he declined doing ; I persisted in urging him to go up again, and told him that no man deserved a vote, who would not make a persistent effort for it ; he made a third effort then, and as he did so, the whole crowd commenced beating him with great violence ; after thus attacking him, they commenced an attack on his brother, who stood outside in the street, peaceably looking on, and who had not, I believe, attempted to vote ; as soon as they commenced beating the brother, I rushed to his rescue, and attempted to save him from their violence ; they, however, beat him severely, and finally drove both brothers from the polls, without their being able to vote ; I left the ground with the two Mortons ; a body of violent men surrounded the window, who by their threats, intimidation and violence, prevented the two voters of whom I have spoken, from voting ; I was there about ten minutes altogether ; I was assaulted in the effort to save Morton, struck a very violent blow, from which I have not recovered yet.

*Cross-examination.*

Question. Do you know of any other, or further acts of violence, than those of which you have spoken?

Answer. Not to my personal knowledge, as I was at the polls but about ten minutes altogether.

Question. Do you hold office under the General Government, if so, what office?

Answer. I do; I am postmaster of the city of Baltimore.

*Examination on both sides closed.*

BALTIMORE, December 15th, 1859.

Correct.

JOHN MORRIS.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 16, 1859.

BALTIMORE, December 16, 1859.

GEORGE WM. BROWN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the tenth ward of the city of Baltimore?

Answer. I was.

Question. Did you go to the polls of that ward on that day, and if so, for what purpose, at what hour did you go, and how long did you remain?

Answer. I did, for the purpose of voting, and assisting other qualified voters in getting in their votes, and of preserving order; I went shortly before nine o'clock, A. M., and remained there until about half-past nine o'clock, A. M., when I went to the station house.

Question. While you were there was there any obstacle to a fair, free and honest ballot by the voters; if so, what?

Answer. There was; I was chief superintendent or had charge of the Reformers of the tenth ward at the polls, before the polls opened; I appealed to the two judges then in attendance, and requested them to allow the Reformers to occupy one side of the polls, and the American party the other side, and keep a gangway open between; the judges assented to this arrangement, and

gave the Reformers a place on the right hand of the judges, assigning the left, to the other side ; as soon, however, as the polls were opened, the arrangement was disregarded by members of the American party ; some of them filled the gangway, so as to render the approach to the polls inconvenient, and were rude and turbulent ; and one or two of them came over to our side of the window, and occupied the position which had been assigned to us, the Reformers ; at this time, and in fact, before the polls were opened, the third judge, Mr. Hinesly, had taken his position inside of the window, and he received the votes.

When I found that the arrangement I have spoken of, was disregarded, and that confusion had commenced, and violence appeared to me to be imminent, I appealed several times to the judges, requesting them earnestly to maintain the arrangement which had been agreed on ; not the slightest notice was taken of my appeals, and no effort was made by the judges to restore order ; the crowding continued and increased : in about half an hour, there was a violent jostling, and I think some blows were struck ; immediately after this, a volley of bricks came from the American party, and also shots from firearms ; the gentleman standing next to me was Mr. Robert D. Fisher ; we were both on the pavement, on our side of the window and near it ; he was struck with a brick in his stomach ; he gave no provocation whatever ; the Reformers retreated to Fayette Street ; I went round the corner of Fayette Street, and took my stand inside of a door on the south side of Fayette Street, east of Holliday Street ; I saw opposite the door of Dr. White's old residence, a struggle between several persons, whom I did not distinctly recognize, but I believe that James Jeffers was one of them ; I saw Robert Fisher stand at the point where Holliday Street meets Fayette, about the middle of the street, and fire his pistol in the direction of Baltimore Street ; I am not sure whether he fired twice or only once ; a police officer, who approached from the direction of the Mayor's office, arrested Mr. Fisher, and took him down to the station house ; I accompanied them for the purpose of bailing him. On reaching the station house, Fisher was put in the lock-up, and there was no justice there to take bail ; a justice was sent for, more than once, but none could be procured ; I went with Mr. John Morris to the acting Mayor, Mr. Spicer, but he declined to go down to take the bail, on the ground that he had not time ; I returned to the station house, and a longer delay occurred, and at last Mr. Spicer, the acting Mayor, came to the station, and I gave bail for Mr. Fisher and for Mr. Thomas H. Morris ; no person was arrested at the tenth ward for the occurrences of which I have spoken, except Mr. Fisher ; while I was at the station house, no persons were arrested or brought there under arrest, except one or two who were members, as I ascertained, of the Reform party ; after bailing Mr. Fisher, he went, with my approbation, towards his home ; I returned to the

tenth ward polls, they were in possession of a gang of ruffians of the American party; no member of the Reformers was at or close to the window; I was not personally acquainted with the most active persons, who were creating the disorder, except James Jeffers, who, when the polls first opened, was rude and disorderly; when I next saw him, his head was bound up, and I understood that he had received a severe wound; I did not notice any further disorder from him. The most prominent of the rioters, was a person, who, I was told, was named "Sprohl;" I saw him assault persons who came up to vote; I recollect, particularly, seeing him assault and drive away a foreigner; Sprohl was backed and aided by numerous others; native-born Americans, so far as I saw, were permitted to vote without opposition, but foreigners of the poorer class were not; I think that but few of that class of voters attempted to vote, and when they did make the attempt, they were not permitted to vote, so far as I saw; after staying at the polls a short time, I saw a German, who had been violently assaulted and beaten, and who was bleeding, arrested by a police officer, and carried towards the station house; I went to the station house, and gave bail for this man, and afterwards returned to the polls; the same state of things prevailed; there was nothing that could be called an election; it was a brutal and disgusting outrage and mockery; the windows were in possession of the ruffians; no challengers of the Reformers ventured to approach the windows to make an objection to any vote, and the Reformers did not venture even to protect those who were assaulted, except by remonstrances, or by a gentle interference; but two judges were at the window, at this time, and so far as I saw, any vote that was offered, was taken without question or objection; I saw a gang of wretched and disgusting objects, who I supposed from their appearance, and the manner in which they were conducted to the polls, to have been "cooped," taken up to the polls, and I believe they were voted; I afterwards saw this or a similar gang in an omnibus about to go, as I supposed, to another poll; lying on the top of the omnibus, kicking up his heels and shouting, was an individual who was pointed out to me as "John Shaney;" after remaining at the polls for some time, on consultation with various gentlemen of the Reform party, we came to the conclusion that there was no use whatever, in our making any effort to bring out the vote of the Reformers, or to take any further part in the election, and we determined to leave the polls, and we did so at about half-past ten o'clock, A. M. I voted soon after the polls opened without difficulty; I saw no police officers on the ground when the polls were opened, and I saw no attempt whatever, on the part of the police, to maintain order, or to protect voters.

Question. How far from the Mayor's Office was the polling place of the tenth ward?

Answer. About one entire square; say two hundred feet, and

within sight of the Mayor's Office, and in the same street, viz. : Holliday Street.

Question. Did you go, a day or two before the 2d of November, 1859, to see the then acting Mayor, and for what purpose ?

Answer. I did ; I had been placed, as I said, in chief charge of the Reformers at the polls of that ward, and I feared there might be violence and bloodshed ; this apprehension was founded on what I had seen at the municipal election, on the threats which were openly emblazoned on the transparencies of the American party at their mass meeting in the square a short time before, upon the tone of the speeches of leaders of the American party, as reported in the newspapers, and also upon the various warnings, which I received from friends, of threats which had been made against me, personally ; Mr. Wallis and myself went to the Mayor's Office, about noon of November 1st, 1859 ; the streets in the neighborhood looked like a city on the eve of a revolution.

As we walked up to the steps to the Mayor's Office, a gang of men were standing on the opposite side of the street, in front of the drinking house there, and called to us, " You God damned Reformers, what business have you to go in there ? " or words to that effect ; we found Mr. Spicer, the then acting Mayor, in his office, with a number of persons in the room ; we first asked him who were to be judges of election in the tenth ward ; he informed us that Mr. Hinesly was one, that Mr. Houston was another, and Mr. Dukehart, the third ; but Mr. Dukehart had in fact joined us and gone with us to the Mayor's Office, and he informed the Mayor he could not act ; the Mayor was very reluctant to discharge him, and declined to do so unless Mr. Dukehart would name some suitable person in his place ; I think he named Mr. Martin, who was subsequently appointed ; I told the Mayor that we were anxious to know what arrangements were made to preserve order, as we were afraid there would be difficulty at the polls ; the Mayor said in substance that his situation was embarrassing, that he had not had an opportunity of conferring with either of his predecessors, who were both disqualified by illness, and that he could only carry out the arrangements which had been made by his predecessor ; I asked him which predecessor, and I understood him to say, Mr. Swann ; whereupon, I remarked that those arrangements had not been very effective ; I then said to him, that we desired to know what officer would have charge of the police at the tenth ward polls ; that Sergeant McComas had had charge at the municipal election, and had endeavored to do his duty ; Mr. Wallis remarked, Sergeant McComas had certainly exerted himself on that occasion to do his duty, as much as a man could do, or words to that effect ; Mr. Spicer replied that he could not answer that question, that all the police arrangements would be left to Marshal Herring, and that the Marshal would make his arrangements on the evening

of that day; the object of Mr. Wallis and myself was to see the officer who might be put in charge, and to ascertain what arrangements would be made for the purpose of securing a fair and peaceable election; finding that we could obtain no satisfactory information, Mr. Wallis and myself left the office, and walked up Fayette Street, towards our own offices; before we reached North Street we were stopped by a party of men, among whom were Erasmus Levy and John English; Levy inquired of Mr. Wallis, whether or not Mr. Wallis, in some recent speech of his in the tenth ward, had not called him, Levy, a thief and a murderer; Mr. Wallis informed him that he had said nothing of the kind, and referred him to me; I had heard Mr. Wallis's speech, and told Levy it was an entire mistake; I appealed to Levy, and asked him to exert himself to maintain quiet at the election next day; he told me that he was not going to be at the head of the proceedings next day, and I told him he ought not to be at the tail of it either; English came up to me and inquired, in rather a threatening manner, why I had abused him; he referred to a card which I had published in the papers; I told him that I had not abused him, but that in the card I had said he was very disorderly, which he certainly had been; while English was talking to me, Levy came up and caught him by the collar, and jerked him about three feet away from me; we then walked away.

Question. What was the relative position of the place of holding the polls, and the public house kept by the Erasmus Levy to whom you have referred?

Answer. In the immediate vicinity of each other; Levy's house is on the same side of the street, south of the polls, less than thirty feet, I think, distant.

Question. What was the greatest number of police officers that you saw at the tenth ward polls at any one time on that day?

Answer. I did not see any there when the polls opened, although there may have been some in the crowd; and I do not think that at any time I saw more than two or three at the polls or in the neighborhood of them; I was, however, but a short time at the polls, for the delays at the station house kept me there during the greater part of the time which elapsed from the opening of the polls to the time when we retired as I have stated.

#### *Cross-examination.*

Question. What obstacles, if any, did you encounter on November 2d, 1859, and how long were you in getting in your vote?

Answer. I encountered no serious obstacle; there was a crowd in the gangway, but I without difficulty got my vote in;

I was but a short time in getting my vote, less than a minute, I think.

Question. You have stated that you attended at the tenth ward polls to assist in keeping order, and to aid in getting in the votes of legal voters; please state whether to effect this object you applied to the judges of election to aid the movement by holding the polls at such place as in your opinion would be proper, or whether you saw the judges at all upon this subject?

Answer. I did not; I did not know who would be the judges of election until after I understood that the place had been selected in Holliday Street for holding the polls.

Question. Did you regard Holliday Street, between Fayette and Baltimore, where the polls were held, as objectionable?

Answer. I did, very objectionable.

Question. Did you learn the location prior to the day of election?

Answer. I did, from the report of a committee who were appointed at a ward meeting of which I was chairman.

Question. As you regarded the location as objectionable, and knew of it before the day of election, was a remonstrance against its being so held, made to the judges by the Reformers?

Answer. I have no personal knowledge that an objection was made to the judges; but I understood it was the duty of the committee to which I have referred to make such objection, and I think they so reported that they had so done.

Question. The Reformers being anxious to preserve order at the polls on November 2d, 1859, and you being apprehensive of disorder, bloodshed and violence, did you, in your interview with the acting Mayor, tender to him the aid of the Reformers to act as sworn constables or otherwise, as aids to the object of preserving order, or as assistants to the police?

Answer. I did not; Mr. Spicer informed me that he would carry out the arrangements which had been made by his predecessor, and I understood that to mean that he would, by means of his police, endeavor to enforce order without any aid from the Reformers.

Question. Mr. Wallis or yourself having suggested to the acting Mayor that the arrangements of his predecessor had not been very effective, please state whether you made any suggestion to the acting Mayor, tendering him the aid or assistance of the Reformers?

Answer. We did not, because we had no reason to believe that their aid would be accepted.

Question. Was not the Reform party of the tenth ward sufficiently strong, so that by a united effort and by combination, and acting in concert, they could have secured at the tenth ward polls free access to all legal voters, entitled there to present themselves to vote?

Answer. Undoubtedly, with good faith and honest efforts on

the part of the city authorities, and with the aid of the Reformers, a peaceable and fair election would easily have been secured, and without the aid of the Reformers, the city authorities, in my opinion, could, without serious difficulty, have accomplished the same result.

Question. What was the number of the Reformers of the tenth ward present at the polls (whilst you were there), at any one time?

Answer. It is difficult for me to answer that question, for there were many there with whose residence and opinions I was not acquainted; but I do not think that at any one time there were as many as fifty members of the Reform Association of the tenth ward present; I should say there were from thirty to forty such members; but I believe there were more than that who sympathized with and were prepared to vote with the Reformers; the majority on the ground, I think, were Reformers.

Question. Which of your personal acquaintances making persistent efforts to vote, were to your knowledge prevented from so doing?

Answer. I cannot remember that any of my personal acquaintances were to my knowledge prevented from voting.

Question. You have stated that some foreigners, apparently of the poorer class, were denied access to the polls, and were prevented from voting; please state how many such instances fell under your own observation?

Answer. Only a few; but I do not remember a single person of that description succeed in voting, and there are many such voters in the ward.

Question. For greater certainty please give the number of such instances as are referred to in the eleventh question instead of your last answer, very few?

Answer. It is impossible for me to answer accurately; every such voter who attempted to deposit his ballot, so far as I remember, was driven away; and such being the case, but few presented themselves, and I should not think there were in all twelve; but I kept no account of them.

Question. Did you see any amongst such persons so as you think amounting to about twelve, who, of your own knowledge, you knew to be legal voters of the tenth ward; if so, how many can you designate of your own knowledge to be legal voters?

Answer. I had no personal acquaintance with any of those thus driven away, and did not know whether or not they were legal voters; I know very few of the foreign voters of the poorer class in that ward, scarcely any.

Question. Did you see any native born citizens whom you recognized as legal voters of the tenth ward driven away, unable to vote, if so, how many?

Answer. I saw none.

Question. How long have you been a voter and resident of the present tenth ward?

Answer. I was born in the present tenth ward, and lived there until I was twenty-seven years of age; I then moved to the eleventh ward, and lived there about eleven years, and now, for the past eight years, I have been living in the tenth ward.

Question. Please state whether the abandonment by the Reformers of the tenth ward polls was the result of a conference of the body of gentlemen known as the Reform leaders, and whether in consequence of the result of such conference, a request was sent to the various polls in the city, with the exception of the eighth, desiring the Reform voters to withdraw from the various polls, and not further to attempt to vote?

Answer. Our retiring from the tenth ward polls was certainly the result of a conference of the leaders of the Reformers in the tenth ward, but no message of any kind, to my knowledge, was sent to any other ward.

Question. Did such retiring take place previous to eleven o'clock, A. M.?

Answer. Yes, about half-past ten.

Question. Do you know, or believe, that up to the time of so retiring, the Reformers had polled the two hundred and thirty-four votes given for Mr. McKim, as candidate for Senator?

Answer. I cannot answer this question; after we were driven away from the polls, as I have stated, and after my return from the station-house, I regarded the whole election as a mere mockery, and paid but little attention to the voting, except when my attention was attracted by some act of outrage.

Question. During the time you were at the tenth ward polls, did you see an aggregate of the Reform votes, to the number of two hundred?

Answer. I do not think I can give an accurate answer to the question; there was a large crowd at the polls, and this crowd was constantly changing, and most of them were personally unknown to me.

Question. Please state the number of the legal voters of the tenth ward, who were members of the tenth ward Reform Association?

Answer. I cannot answer accurately; we held meetings from time to time, and I should suppose there were between one and two hundred persons, who attended those meetings, and who might therefore be termed members of the Reform Association, but I think there were not more than sixty, who gave in their names as members of the committee, who would attend the polls on the day of election.

Question. Having been informed by the acting Mayor, that the police arrangements would be under the direction of Marshal Herring, was any application made to him for the presence at the tenth ward polls, of a force to keep order there, or for his own

presence, or that of his deputy, or one of his captains, before or on the day of election?

Answer. None was made by me, personally.

Question. You have stated, that there was nothing that could be called an election at the tenth ward polls, that it was a mockery; how do you account for the two hundred and thirty-four votes, returned for Mr. McKim, as Senator; was he not the Reform candidate for that office?

Answer. I account for it by supposing that two hundred and thirty-four Reformers, were permitted to vote for Mr. McKim, who was Reform candidate for Senator.

Question. Believing the poll as progressing in the tenth ward, whilst you were there, to be a mockery, was application made to the judges of election to close the poll, until order and quiet was restored?

Answer. Not that I know of; the only applications that were made that I know of, and of which I have spoken, were disregarded.

Question. Was there a barricade at the tenth ward polls?

Answer. There was not.

Question. Was the obstacle to a fair, and free poll at the tenth ward, other than the crowd of persons then present, claiming the right to participate in the election then held?

Answer. The obstacle to a fair and free poll, was the outrageous conduct of the crowd which held possession of the poll, while I was there, and the unfair conduct of the judges, who so far as I saw, made no effort to keep the polls open, or protect voters, and who appeared willing to take any votes which were offered, without regard to their legality.

Question. Did you see any votes taken by the judges, which you knew of your own knowledge to have been given by parties not legal voters of the tenth ward?

Answer. I saw the crowd, which I suppose had been cooped, taken up to the polls, and I believe they were voted; and I saw various other persons whom at the time, I believed to be illegal voters, who went up to the polls, and who I also, supposed voted, but I cannot say of my own knowledge, that these persons, or any of them, were in fact not legal voters of the ward.

Question. What was the number of those present, whom you have described as ruffians?

Answer. I cannot answer accurately, but I believe the number of those who were banded together, and acting in concert, was not over twenty or thirty; there were various others who appeared to be sympathizing with them, and there were some of the American party, who were endeavoring to restrain the violence.

Question. At the time these twenty or thirty were so acting, how many Reformers were about the polls, and persons who were sympathizing with the Reformers?

Answer. After the Reformers were driven away from the polls, as I have stated, I saw none of them return actually to the window or to the immediate vicinity of it, but a number were in the neighborhood of the polls, and scattered about through the crowd, so that it is impossible for me to say how many they were.

Question. Did the Reformers retire from the poll of the tenth ward because of their opinion, that to secure the poll of the Reform vote, it was necessary to have a personal encounter and struggle with those acting on behalf of the American party?

Answer. The question assumes that the Reformers, in a body, retired from the polls of the tenth ward, but this was not the fact, so far as I know; what I mean to say is, that the leaders of the Reform Association of that ward, finding it impossible to have a fair and quiet election, after a consultation among themselves retired; but when we left the ground, a crowd still remained at the polls, and of that crowd, I suppose a large number, or perhaps a majority, were Reformers; what took place after I left I do not know; I can only speak with certainty of my own opinion, which was, that in order to open the polls fairly to the Reform voters, a severe struggle and bloodshed were absolutely necessary, because the crowd in possession of the polls were apparently prepared and ready to oppose a general vote of the Reform party, by violence and force of arms; and even if the Reformers had succeeded in overcoming that resistance, the police, judging by what I saw, were prepared to arrest the Reformers; and the judges of election, as far as I could judge, were not acting fairly, and the Reformers could have had no security that their votes would have been fairly received.

Question. In describing the polls as not being fair and open, do you mean that it was not so for the "*American party*," and that their votes were obstructed?

Answer. The polls appeared to me to be open for any votes which the American party chose to put in, whether they were legal or illegal.

Question. Have you not been understood to say that you have no personal knowledge of any illegal votes taken at the tenth ward polls, or do you now say that you have a personal knowledge that illegal votes were taken by the judges.

Answer. I said before, and I now say, that I have no personal knowledge of any particular illegal votes that were put in, because I knew very few personally of the voters who gave in their ballots; but I saw various suspicious votes received, which were given by the American party, that were received without question, so far as I saw.

Question. What is the number of votes you saw received, which you have designated as, in your opinion, suspicious?

Answer. I cannot answer this question accurately, because I

kept no account; I did not watch the polls closely after we were first driven away.

*Examination on both sides closed.*

BALTIMORE, December 16, 1859.

Correct.

GEO. WM. BROWN.

Test—DANIEL E. MYERS, J. P.

BALTIMORE, December 16, 1859.

The contestants produce and file with me a notice and list of witnesses, with affidavits of service attached, being paper-writing marked "Contestants' Exhibit C."

THOMAS H. MARTIN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:—

*Examination in chief.*

Question. Were you at the tenth ward polls on the 2d of November, 1859, and if so, in what capacity?

Answer. I was there and acted as judge of election for about three-quarters of an hour.

Question. When the polls were opened, what judges of election were present?

Answer. Mr. Houston and myself; we were sworn by Justice Alexander, and I commenced to take a few votes; about eight or ten minutes after nine Mr. Hinesly arrived.

Question. Did you continue to take tickets, and if not, why?

Answer. Mr. Hinesly proclaimed himself chief judge, and said he should be the only one to take tickets; he then would take all the Know-Nothing tickets offered, and would pay no attention to the others, and take them from the same hand as often as offered.

Question. Did you see the same persons vote repeatedly while you were there, and their votes received by Mr. Hinesly and deposited in the ballot-box?

Answer. I saw him, to the best of my knowledge and belief, take votes more than once from the same person.

Question. Did you see him receive Reform votes and neglect to deposit them in the ballot-box?

Answer. I did; I requested Mr. Hinesly to deposit the vote of a Reformer, he having kept it at least five minutes, after frequent requests to deposit the ballot he assaulted me, which was a signal for a general riot outside; some ten or fifteen musket shots were fired by the rowdies from a house about two doors above the polls, and several pistol shots were fired by the row-

dies into the crowd, and several persons knocked down among the Reformers.

Question. Who had complete control of the access to the judges' window?

Answer. They were held entirely by persons claiming to be Americans, on both sides of the window.

Question. Did you see persons who were attempting to reach the judges' window assaulted and prevented from voting by the crowd of whom you have spoken?

Answer. I did; and it was with the greatest difficulty that a voter of the Reform ticket could reach the polls; no foreigner was allowed a vote unless some one of the rowdies would vouch for him.

Question. Was there a concerted effort on the part of persons not themselves engaged in voting, to prevent naturalized citizens and others from reaching the polls?

Answer. There was; they would crowd in, shove, and commence the cry of "Wade in natives!"

Question. After the firing that you have mentioned, how long did you remain at the polls?

Answer. I suppose fifteen minutes, or a short time after; after the firing Marshal Herring walked down Holliday Street, from Baltimore Street, and passed some six to ten of these rowdies with muskets in their hands, and came to the window; I asked him to arrest two rowdies who I had seen fire pistols; they observed in his and my presence they did fire the pistols, and would shoot any damned Reformer that come there; Marshal Herring left without arresting any of them, or noticing what I said; when any arrest was made, it was of some wounded Reformer, and the party making the attack was unnoticed by the police; finding it to be impossible to prevent illegal voting or to secure an arrest, I retired.

Question. Were any persons brought up to the window by members of the rowdy crowd that you have described, and voted, whose votes you suspected were illegal.

Answer. I saw two squads of them marched out from their coop, out from a house near by, six to eight in a squad; each squad voted and marched back.

Question. After leaving the polls did you go to the Mayor's office; and, if so, for what purpose?

Answer. I went there, and made to the acting Mayor, Spicer, a full statement of the riot at the polls; he said that nothing could be done, that he could not interfere with Mr. Hinesly.

*Cross-examination.*

Question. In your answer to the ninth question, you have stated that the arrests made were of wounded Reformers, please state the names of the wounded Reformers, and by whom they were arrested?

Answer. The only one whose name I remember, was, Mr. Fisher; I saw two others, whose backs were towards me; they were carried towards the station house.

Question. Where and how was Mr. Fisher wounded? Please describe his wounds, and describe the wounds of the others that you saw wounded?

Answer. Mr. Fisher was struck in the stomach by a brick; I saw Weaver struck by a whole brick, somewhere near the ankle; I saw Mr. Gregg severely assaulted by two of the rowdies, at the same time, one of them discharged a pistol; Mr. Gregg was struck about the head.

Question. Were Mr. Gregg and Mr. Weaver carried off by the police?

Answer. Not to my knowledge.

Question. Is Mr. Fisher the only wounded Reformer you saw carried off by the police?

Answer. The only one to my knowledge.

Question. As Mr. Fisher was standing near you when he was struck in the stomach with a brick, please state whether you saw him draw a revolver and fire?

Answer. I did not; the brick knocked him down.

Question. Was not Mr. Fisher arrested by a policeman at the time he had a pistol in his hand?

Answer. Not that I know of; there was so much firing I could not tell.

Question. What Mr. Fisher do you speak of? What is his first name?

Answer. I don't know; he was one of the firm of James I. Fisher & Sons.

Question. Did the Reformers fire any?

Answer. I did not see them.

Question. Were any of the Reformers armed?

Answer. Not that I know of.

Question. Were you armed?

Answer. I was not.

Question. Did you vote?

Answer. I did, about the last thing I did at the polls.

Question. When Hinesly struck you, had you not just accused him of changing the Reform ballots voted, and substituting Know-Nothing ballots in their place?

Answer. I had not, but was remonstrating with him about not depositing the Reform tickets he had received.

Question. Which of your personal acquaintances, at the tenth ward polls, were unable to get their votes in; please give their names?

Answer. The excitement was so great I could not tell; many came and retired, not being able to reach the window, being pushed away.

Question. As there were so many, please give the names of three or four who were so served, that you knew personally.

Answer. I did not pay particular attention; I was busy watching the tickets and votes.

Question. Whilst so busy watching the tickets and votes, could you recognize anybody that was pushed away from the polls; if so, please give the name of any one person?

Answer. I did not notice them personally.

Question. Can you not give the name of a single acquaintance of yours that was prevented from voting whilst you were at the polls?

Answer. I cannot.

Question. Please give the names of any persons who told you that they could not get their votes in at the tenth ward polls?

Answer. I do not remember the names at present.

Question. How many persons told you they had attempted to vote and could not get their votes in at the tenth ward polls?

Answer. It was so common to hear it, that I paid no attention.

Question. Being so common, is it possible that you cannot remember the name of a solitary individual who told you so?

Answer. I do not.

Question. Is it also possible that you cannot tell the names of the persons who told you so?

Answer. Yes, it is; I have forgotten.

Question. Were many votes received from Reformers whilst you were acting as one of the judges?

Answer. Prior to the riot, whilst I was there, there were several.

Question. Please state how many you mean by several?

Answer. I cannot say how many.

Question. How many naturalized voters did you see prevented from voting?

Answer. I kept no account, but it was a frequent thing.

Question. As you were there but about three-quarters of an hour, can you not form an idea of the number during that time?

Answer. I kept no account.

Question. You saw some votes that you suspected to be illegal—how many?

Answer. I cannot tell.

*Examination on both sides closed.*

BALTIMORE, December 16th, 1859.

Correct.

THOS. H. MARTIN.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 17, 1859.

BALTIMORE, December 17th, 1859.

HENRY HANZSCHE, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

Question. Were you at the tenth ward polls on the 2d of November, 1859; at what hour, and for how long?

Answer. I passed through Holliday Street at half-past ten, and remained opposite the polls about twenty minutes.

Question. While you were there did you see any persons vote more than once, and if so, from what house did they come?

Answer. I did; they came from Levy's place; the time that I was standing there I saw three or four persons go down to Levy's place, put on a white hat, return to the polls and vote several times each.

Question. Did you see any of these persons to whom you have referred come out of Levy's place the first time they voted?

Answer. Yes, sir.

### *Cross-examination.*

Question. In which ward are you a voter?

Answer. The sixth.

Question. Did you vote on the 2d of November, 1859, and if so, with or without difficulty?

Answer. I voted, and had no difficulty; the reason, I was acquainted with the roughs, and was escorted up by one.

Question. Are you a member of the American party?

Answer. No, sir.

Question. Are you a well known legal voter in the sixth ward?

Answer. Yes, sir.

Question. Which of your acquaintances, on the 2d of November, 1859, after persistent efforts to vote, failed to do so; state what efforts they made, as observed by you?

Answer. I do not know of any; I did not stay long; I walked over, put in my ballot, going from my place of business, on Baltimore Street, near Calvert, stopping at the tenth ward polls on my way; reached the sixth ward polls, deposited my ballot, and came immediately away.

Question. At the time you were at the sixth ward polls, was not the same a fair, free, and open poll, so far as you could judge?

Answer. The poll was open, I mean the passage way; plenty of room; there was no disturbance; there was no voting going on.

Question. At what hour did you vote?

Answer. It was about quarter after eleven o'clock.

Question. Please state, as near as you can, the number of what you supposed to have been illegal ballots cast in the tenth ward whilst you were there as a spectator.

Answer. I suppose about eight.

*Examination in chief resumed.*

Question. Did the "rough," who escorted you up to the window, offer to do so?

Answer. When I first saw him, he asked me if I had voted; I said no; he offered me an American ticket; I told him I did not want one of theirs, so he went about and asked two or three persons and got me a Reform ticket and gave it to me; after he gave it to me I made a change in it; he said, now come up with me and I will see that you vote; I went with him up to the polls and handed it in; he observed to the judges, that is all right; some voice among the "roughs" said, I will be damned if it is all right.

*Cross-examination.*

Question. Was the alteration of your Reform ticket the result of intimidation, or was it the voluntary action of yourself?

Answer. The voluntary action of myself.

*Examination on both sides closed.*

BALTIMORE, December 13, 1859.

Correct.

H. HANZSCHE.

Test—DANIEL E. MYERS, J. P.

S. TEACKLE WALLIS, a witness of lawful age, produced on the part of the contestants, being first duly sworn, deposes and says:

Question. Are you a legal voter, and of what ward?

Answer. I am, sir, of the tenth ward.

Question. Were you at the polls on the 2d of November, 1859, and for how long?

Answer. I was there from about ten minutes before the polls opened until about twelve o'clock, with short intervals of about a quarter of an hour each.

Question. While you were there, was there free access to the judges' window for all voters, and if not, why not?

Answer. There was not, at any part of the time while I was

there, free access to the window for all voters; for the first quarter or half an hour the obstruction principally took the shape of rudeness, jostling and crowding in, so as to impede access to the window; this obstruction was not the result of the crowding of voters seeking access to the polls, but a wilful obstruction by a party of men not engaged in voting, who rallied under the cry of "Regulators," and came in a body from the house of Erasmus Levy, two doors south of the polls; about twenty minutes or a half an hour after the polls were opened, they were taken forcible possession of by the same party of rioters, with a volley of bricks and a discharge of firearms; from that time until I left, no man was permitted access to the polls, except at the pleasure of the parties who had so taken possession of them.

Question. Up to the time that this discharge of firearms took place, can you form any judgment of the political character of the vote?

Answer. I cannot form an accurate one, but I should suppose that probably seven-eighths of the votes deposited were those of persons voting the Reform ticket; I judge so, because I was myself engaged in distributing Reform tickets, and gave a large number of them to persons whom I saw go up and vote with those tickets in their hands; I saw other gentlemen, who likewise held Reform tickets, distributing them at that time pretty freely, and, although I observed several of the persons to whom those tickets were distributed, retiring from the pavement, after ineffectual efforts to get to the window, I think the large majority of them succeeded, by dint of struggle and perseverance, in getting up to the judges; my opinion is further founded upon my knowledge of the Reform voters of the ward, a very considerable number of whom I saw, during the period to which I have referred, directing their course towards the window, with tickets.

Question. During the period to which you have referred in your last answer, was there a considerable number of the Reform party in the vicinity of the judges' window?

Answer. Before the firing took place, of which I have spoken, the challenging committee of the Reform Association occupied a considerable portion of the sidewalk on the northern side of the window; around and about them, and also in the street in front of the window, and between the polls and Fayette Street, there was a considerable number of persons standing favorable to the Reform cause; some, like myself, engaged in distributing tickets, others with tickets in their hands, apparently waiting to vote, and others, farthest off, seeming to be merely spectators.

Question. By whom, and at whom were the bricks thrown and the firearms discharged, and please describe the weapons that you saw used?

Answer. The bricks were thrown and the firearms were dis-

charged by the party rallying under the cry of "Regulators," and they were thrown and discharged at and into the midst of the members of the Reform party, who were standing north of the window and on the sidewalk, and in the street near it; as I have said there was no display of weapons until after about twenty minutes or a half hour from the opening of the polls; about five minutes before the volley of bricks and discharge of firearms, to which I have referred, a man standing nearest the window, on the south side, who was one of those who had come from Levy's house, commenced being very violent, crying out and swearing, and pushing violently into the crowd; he had scarcely begun to do this, when Erasmus Levy came running out of his house, and cried out very anxiously, "Not yet, not yet John, wait a little, wait a little, we will be ready presently;" the man whom he addressed ceased his demonstrations, and a gentleman standing by my side called my attention to the fact, that a large portion of the bricks had been removed altogether from the sidewalk in front of the house, between Levy's and the polls; Levy, after the exclamation which I have mentioned, ran back to his house, and in some four or five minutes came rushing out, at the head of a crowd, among whom I noticed John English and a man who made himself subsequently conspicuous by his brutal treatment of voters at the polls, and whom they called Sprohl; they rushed towards the Reformers, principally directing themselves against those who were on the sidewalk, crying out, "Wade in, Regulators, wade in, we will take the polls, God damn you," and phrases of similar character; for the moment the Reformers stood their ground, and then the party who had thus rushed out, with others who came out behind them, from Levy's also, rushing on, discharged a volley of bricks, and fired a considerable number of revolvers into the Reform party; I was myself standing in the middle of the street at the time, and I saw the revolvers in the hands of the parties pointed directly into the crowd of Reformers on the sidewalk; the bricks fell into the middle of the whole party of Reformers, both in the street and on the sidewalk; a gentleman of the Reform committee, whom I do not remember, I think it was Mr. Weaver, the sexton of Christ Church, was struck by my side; the attack was so violent and so sustained; no interference made by the judges, and no policeman visible on the ground; that there was no alternative for the Reformers but to leave the ground or sacrifice their lives uselessly; I myself retreated with the crowd, in which I was as far as the southwest corner of Fayette and Holliday Streets, and as soon as I got there I observed, upon the corner opposite, a young man named James Jeffers, who had been pretty turbulent in the crowd before with the party of "Regulators," and who had rushed as far as the corner, by Dr. White's old house, where he had grappled and was holding down a young man, a member of the Reform committee, I immediately

ran across, seized them both by the shoulders and assisted in separating them, when Jeffers ran back in the direction of the polls; after the few minutes which this occupied, I turned and looked towards the polls; between Fayette Street and the window, Holliday Street seemed perfectly deserted; feeling very indignant and outraged, I determined to go back to the window, and had accordingly gone down Holliday Street in the direction of the polls, when my attention was attracted by Erasmus Levy, who stood on the sidewalk, in front of his house, with a short rifle, the butt of which was resting on the ground, he holding the barrel, near the muzzle, in his right hand; against his house, on the right of him, as he stood, and about three or four feet from his hand, were six or eight rifles of the same sort standing, and one or two men were looking up the street from the door of his house, close by him and the weapons; they were apparently new weapons, the barrels either bright or burnished brightly, and the back straps to them new; when I had gone the distance down the street that I have mentioned, Levy raised his left hand and cried out to me, waiving me back, "Go back, go back, get out of the way;" I think he added my name, and cried "Get out of the way, Mr. Wallis;" the Reformers were then in Fayette Street, and nobody was following me down that I am aware; I believe Levy's warning to be kindly meant, and I retired into Fayette Street, around the southeast corner of Fayette and Holliday Streets.

Question. After the firing did any and how many police officers come to the tenth ward polls?

Answer. Until the firing, I saw no policeman near the polls or in the neighborhood anywhere except Captain Brashears, who came up a few minutes after nine, voted and retired; after the firing I saw probably three or four, at no time did I see any more.

Question. How far from the tenth ward polls is the office of Marshal of Police, and is it in the same street?

Answer. It is in the same street; I am not an exact judge of distances, but I should suppose it is not more than two hundred and fifty yards, probably about two hundred, in my judgment; the polls were in Holliday Street, some fifteen or twenty yards south of Fayette; the Marshal's office is to the north of it in the old City Hall, between Lexington and Saratoga Streets, on the east side of Holliday; the Mayor's office is, I should suppose, about fifty yards north of the polls, on the western side of Holliday; from the windows or door of the Mayor's office everything done at the polls could, I think, very distinctly be seen, certainly the discharge of the smallest pistol, nay, even that of a fire-cracker at the polls, could be heard in the Mayor's office without difficulty.

Question. Did you at any time see the chief officer of the police

in the vicinity of the tenth ward polls, and if so, state whether you had any and what conversation with him?

Answer. I think it was a few moments after my retiring upon Levy's warning into Fayette Street, that some one said to me, "Mr. Wallis, there is Marshal Herring;" I looked over and saw Mr. Herring standing on the northwest corner of Holliday and Fayette Streets, looking down Holliday; I immediately went over to him and said, "Mr. Herring, is this state of things to be allowed; are you not going to put a stop to it?" he replied, "What can I do?" I said, "Where are your police?" said he, "They are on the ground;" said I, "I have been here all the morning, and have seen none of them;" said he, "There were twelve (perhaps he said thirteen) ordered to be here, and I reckon they are here, or they ought to be," or words to that effect; I expressed myself very strongly, though perfectly respectfully, as to such things as had taken place there, being permitted by the authorities, and he said, "What would you have me do?" I replied, "Take the arms from that house of Levy's—they have produced them from that house and fired upon peaceful citizens, and those arms are in the house now;" he replied, "I know that, Mr. Wallis, the house is full of arms, and that is not the worst of it—there is not a house in the street that is not full of arms;" I started back with astonishment and said, "In the name of God, Mr. Herring, do you mean to say that such a state of things is to be allowed to continue, and that citizens are to go on voting here surrounded by firearms in that way, and no effort to be made to put a stop to such an outrage?" his reply was, "I was going down to the Mayor to consult him;" and he turned on his heel and went towards the Mayor's office; I saw no more of him while I remained at the polls; Mr. William Woodward, Jr., was by me and heard the conversation.

Question. After your conversation with the Marshal of Police was any additional police force sent to the polls at the tenth ward?

Answer. I have already answered that I did not see more than three or four policemen at the polls at any time during the day; to the best of my recollection, they made their appearance a few moments after the firing which I have described, and before I spoke to Mr. Herring; I saw no addition to the police force after my conversation with Mr. Herring.

Question. Did you see any persons who were attempting to reach the judges' window beaten and driven away, and did the police arrest their assailants or any of them?

Answer. I did see a good many people, principally foreigners, who were beaten most brutally, and driven back from the window, when endeavoring to vote; I saw no arrest made of any of their assailants by the police, on the contrary, I saw nothing done by the police while I was at the polls, except the arresting, and violently dragging off of the citizens who had been beaten,

leaving their assailants not only unarrested, but unrebuked ; the police in every case that I observed, stood quietly by until the voter was beaten, in some cases shockingly beaten, and, when that was accomplished, they caught violently hold of the sufferer on the ground, if he was knocked down (or wherever else his assailants left him), and carried him out of the street in custody ; I saw one case especially, of a German, an elderly man, who was assaulted by Sprohl, near the window, as he was attempting to vote, knocked back and beaten by Sprohl and others, until he fell in the middle of the street, with blood gushing from his nose and mouth ; a police officer standing near, permitted the outrage to go on, until the man was on the ground, when he dragged him brutally up, cursed and abused him, and carried him off ; I know that the man was held to answer for violence at the polls, for I attended at Justice McAllister's office, next afternoon, at three o'clock, to look after his case, with Mr. George Wm. Brown, at the latter gentleman's request, when neither the magistrate, nor any accused appeared.

Question. Did you see any illegal voting ?

Answer. I can best answer that question, by stating what I did see ; after my conversation with Marshal Herring, a few moments elapsed, when seeing no further demonstrations with arms, I determined at all events to vote myself ; the street was pretty nearly empty, and I do not think there were more than two people at the polls, apparently challengers, for one was standing on each side of the window ; I voted without any interruption, and remained on the spot to distribute tickets, as long as I should be permitted ; by degrees, a few more persons came up to vote, when I observed Erasmus Levy take his station by the door of his house, from which there came out a party of men, headed by one of the persons who had been engaged in the previous rioting and firing ; the party was composed of a wretched set of creatures, filthy, stupified with drink, some of them in sailor's clothes, some of them without any shirts, one I observed without any shoes, some without hats ; they were marched up to the polls, in charge of the man I have referred to, in Indian file, where they voted as rapidly as Mr. Hinesley, the chief judge, could take their tickets ; the man who had them in charge, cried out, " Clear the way, make room for the voters," and pushed everybody else aside ; as the party voted, and I suppose there was twenty or thirty of them at least, they marched back into Levy's house, and out again, then voted again, and back to Levy's house, then out and again voted, then back and out again, and voted ; I suppose I saw the process repeated from six to a dozen times myself, by the same party, that is to say, I do not wish to be understood as identifying every individual in the gang, but I did identify particular individuals among them, who came in and went out, and voted, as I have stated, and, as they all went in and came out together, and the general

aspect of the whole gang was the same at each repeated voting, with the same individuals whom I did identify repeating the same process, in the same way, I did not, and cannot doubt, that the whole gang took part in the repeated voting; I am the more satisfied that I am not mistaken in this, from the fact, that while it was going on, I walked down to the front of Levy's house, where he was standing, and asked him if he had kept the tally of the number of times he had voted these fellows; he laughed heartily, and replied, "I did not vote them, did I?" I answered, "Oh, certainly not, you only passed them up;" at which he laughed again, and our colloquy ended; a short time afterwards, a very large omnibus was driven up into the street, and the gang of which I have spoken or a portion of them, were driven into it like sheep; they appeared, nearly all of them, to be quite stupefied, did what they were told, as it were mechanically; when the omnibus was loaded, it was driven up Fayette Street, in a westerly direction; a man who had been very prominent in the doings of the morning, and who was pointed out to me as John Shaney, the President of the "Regulator Club," threw himself on his back, on the top of the omnibus, kicking his heels in the air, and hurrahing as the vehicle disappeared; during the whole performance to which I referred, and while the voting process was going on, the thing was so conspicuously fraudulent and absurd, that everybody around, including the men who were directing it, was laughing at it; it is impossible that the character of the performance, or the repetition of the voting, which was so obvious to everybody else, could have escaped the knowledge of the judges; in justice to Mr. Martin, one of the judges, I ought to say here, that I think before this took place, he had left the judges' room; I myself saw Hinesley strike Martin in the mouth, at the window, and shortly after, Martin came out; in addition, once certainly, and I think twice, I saw a large omnibus driven up to the southeast corner of Fayette and Holliday Streets, from which a gang of men in the same stupefied condition, were brought to the polls and voted, under the direction of some one of the "Regulator" party; they were afterwards led back and driven towards the western part of the city; in none of the cases of repeated and fraudulent voting, which I have mentioned, nor in any case where a voter was carried to the window by one of the "Regulator" party, was any question asked by the judges, or any obstacle placed in the way of their voting; I staid at the polls, with the intervals which I have mentioned, until about twelve o'clock, and during the time I remained, I was as near the window as I considered safe; my object was principally to observe what took place, to distribute tickets, and to do what I could by my personal presence and encouragement, to get the Reformers who came up to make the effort to vote; other gentlemen of the Reform party, did the same thing; I therefore was brought in immediate contact with the facts which I have

stated; I was absent from the polls about noon, for a short while, and when I returned, I found that the committee of Reformers had deemed their presence idle, and had left; I therefore, did the same thing.

Question. Did you, prior to 2d November, 1859, have any, and what conversation with Erasmus Levy, of whom you have spoken, in the Court-house of Baltimore city?

Answer. Shortly after the municipal election, I had been before the Grand Jury, to testify in regard to what had taken place at the tenth ward polls, and had testified against Levy, as well as others; a few days afterwards, I was coming out of court and passed Levy, who was standing at the court-house door in the lane; he called me, and as I stopped in the yard at his call, he came up to me and asked me why I had been down on him so hard, going before the Grand Jury about him; I told him I had done so, because I regarded him as one of the ringleaders, but for whom the voting would not have been interfered with at the council election, and I thought he ought to be punished for it; he remonstrated, said he had not done anything; that the boys could have whipped Mr. Brown and myself, if they had pleased, but they didn't; they had let us vote, and they had no objection to any gentleman's voting; "It was only them damned Irish and Dutch they were down on, and by God, they should not vote;" I expressed my sentiments to him pretty freely on the subject, the more so, because he was perfectly respectful to me, and expressed great personal consideration and an unwillingness to see me personally injured; he said, however, at the next election, they meant to roll up the biggest majority that had ever been heard of there; I told him, very well, if they had it fairly, let them roll it up, but not by violence or riot; he replied, we are bound to do it anyhow; it is a matter of life and death with us; "why," said he, "Mr. Wallis, suppose you Reformers get this damned place (pointing over his left shoulder to the Criminal Court), don't I know I am a goner, don't we all know we are goners?" said he, "don't I know, if you elect your prosecuting attorney and sheriff, that I can't stay in this town for a week, that none of us can? We are bound to beat you and we are going to do it." I replied, "if you attempt to do it by force, you must expect to be resisted in it;" he answered, "O, I know gentlemen will fight, but if it comes to that, we will do it with pistols or muskets either, if necessary;" he repeated, "they couldn't do anything else, it was life or death with them;" it is proper to add that, as soon as he commenced talking to me about what they intended to do at the November election, I told him he had better not talk about such things to me; for, if anything should happen, I should not hesitate to state the threats he was making; he replied to the effect that he did not care for that; he was going to California, in March, anyhow; I put an end to the conversation myself, having to go back to court.

Question. Were any of the persons to whom you gave Reform tickets at the polls, prevented from voting by intimidation?

Answer. Yes, several persons; I do not know how many, to whom I gave tickets endeavored to get up to the window, and when other voters who were before them were beaten, they came back with their tickets in their hands, to where I was standing, declaring themselves afraid to make the experiment; they were nearly all foreigners, and the most of them went away without voting; several of them, at my request, repeated their efforts ineffectually, and I could not conscientiously advise them to do more in view of the violence, which I saw used, whenever any one, to whose voting resistance was offered, attempted to insist on his rights; in addition to the persons, whom I have named, a good many individuals, from time to time, came to me, they being personally known to me, and expressed their desire to vote, but their fear of attempting it; and I found it, in most cases, impossible to overcome their apprehensions.

Question. Did you before the day of election, on the 2d of November, 1859, have an interview with the acting Mayor, Mr. Spicer, and with what object?

Answer. On the day before the November election, I went with Mr. Brown, at his request, to see Mr. Spicer, the acting Mayor; I anticipated nothing from the visit, but Mr. Brown desired me to go with him, and I did so; two or three gentlemen, whom we overtook on the way, went in with us; as we got into Holiday Street from Lexington, we saw quite a crowd on the east side of Holiday Street, who, as soon as we commenced ascending the steps of the Mayor's office, commenced shouting, "come out of that, you God damned Reformers," "come out of that," "what the hell are you going there for," "you have got no business there," &c.; some of them crossed over the street toward us, but we kept on our way into the Mayor's office; we there found Mr. Spicer with several other persons, who continued sitting there, and several besides came from without and stood at the folding-doors during the interview; we told Mr. Spicer that we were members of the Reform committee from the tenth ward, and had come to learn what we could, as to the judges we were to have next day, and the police arrangements that had been made; we told him that our object in inquiring about the judges was, that we might know to whom to direct ourselves in relation to the erection of a barrier at the polls, and any other steps that could be taken to secure a fair election; we added that we had come with perfect respect to him, and in confidence that he would do his duty; he thanked us, and said that he was a good deal embarrassed, having come into office at such a time with both of his predecessors too ill for consultation; he said, however, that his predecessor, Mr. McPhail, had appointed Mr. Hinesley, and, I think, he said Mr. Houston; and that he had appointed Mr. Dukehart; Mr. Duke-

hart was present, and protested that he could not serve; whereupon, Mr. Spicer told him that he was a conservative citizen, and pressed him; Mr. Dukehart persisted in declining, and we renewed our inquiry about the police; he told us that precisely the same arrangements would be made that Mr. Swann had made at the previous election; Mr. Brown suggested to him that he could not but be aware that they had proved ineffectual; Mr. Spicer rejoined that that was because they were not fully carried out, that he did not believe that better arrangements could be made if they were faithfully executed; and I replied that I agreed with him in thinking that there not being executed did constitute the principal difficulty; he said that he would endeavor to carry them out faithfully; I think it was Mr. Brown asked who was to have command of the squad at our ward; I think Mr. Spicer answered that he could not tell then, that Marshal Herring would have control of the police arrangements next day; both Mr. Brown and myself expressed our hope that Sergeant McComas, who had discharged his duty so well on the day of the Council election, would have the command at our polls; Mr. Spicer expressed himself very much gratified at the fact that Sergeant McComas had discharged his duty, but gave us no satisfaction as to his probable employment at our polls next day; the interview ended, and we went up Holliday Street; all that part of the street between the Mayor's office and Fayette Street was thronged with riotous and disorderly persons; the "Regulator Club" were out in full force at the corner. It was in consequence of what Mayor Spicer had told me of his police arrangements, that I appealed to Marshal Herring on the day of the election to interfere, as I have stated; and relying upon the same statement of Mr. Spicer, I went to the polls on the day of election, expecting to find as at the municipal election, a squad of fifteen policemen on the ground to protect voters, not finding them there, was one of the leading reasons why I and the gentlemen with whom I went, believed that resistance would be fruitless as well as bloody, and that we left the ground as we did.

### *Cross-examination.*

Question. How long have you resided in the tenth ward, and how long have you been a voter therein?

Answer. I think I moved into the ward in 1841, and I have been a voter therein ever since.

Question. Please state whether you voted at the tenth ward polls on the 2d of November, 1859; and, if so, the difficulties or obstacles in the way of your voting?

Answer. I did vote at the tenth ward polls, on the 2d November, 1859, and there were no difficulties or obstacles in the way of my voting; as I have stated already, I voted shortly after

the Reformers had been driven away, and before the voting generally was resumed ; if I had not made up my mind to vote, as a matter of self-respect and pride, I should not have voted ; I felt that it was a risk, but I was unwilling to abstain on that account from doing what I had been persuading other people to do.

Question. Were any of your personal acquaintances, who made persistent efforts to vote, unable to do so, on 2d November, 1859, at the tenth ward polls ; if so, whom ?

Answer. I do not remember any one at this time, though a good many, about the time, told me that they had been unable to vote ; so far as I observed, the personal efforts to prevent voters from getting their votes in, and the individual acts of violence, were directed against persons in the humble classes of life.

Question. Please state the number of legal voters of the tenth ward, that you knew to be such, who, on the 2d November, 1859, were, after persistent efforts to vote, unable to do so ?

Answer. I cannot state the number of such votes ; it is obviously impossible for me to do so.

Question. Do you know personally the majority of the legal voters of the tenth ward ?

Answer. I cannot tell whether I do or not ; I do not know the number of legal voters in the ward, nor the number of my own acquaintances therein.

Question. Please state the number of legal voters desirous of voting the Reform ticket at the tenth ward polls, on the 2d November, 1859, who of your own knowledge, you knew to be such legal voters, who endeavored to deposit their ballots, but were unsuccessful in such efforts ?

Answer. I cannot give you the number ; I saw a great number of persons driven away from the polls by violence and with blows ; I saw the whole reform committee and a large number of persons around them, favorable to the Reform cause, driven away under a discharge of firearms ; I saw a good many persons going away, whom I knew to be legal voters, and a good many others, whom I did not personally know, but whose faces were familiar to me, and who told me that they were afraid to make the attempt ; I saw many others, persons of respectable appearance, who attempted persistently to get to the polls, but could not, yet I am unable to say what the sum total of them all was, or whether if they had reached the polls, they would have all had a right to deposit their ballots ; I do know that they were anxious and endeavored to get to the polls in order to test the question of such rights, and were prevented by intimidation or force, as I have stated.

Question. Please state the whole number of illegal votes, known to you to be such, which were deposited, on the 2d November, 1859, with the judges of election, at the tenth ward polls ?

Answer. I cannot tell the number ; I know of no illegal votes, known to me of my own knowledge to be such, voted on the occasion referred to, except those mentioned in my answer to the twelfth interrogatory in chief, nor do I know personally that any of the votes to which I have there deposed were illegal, otherwise than from the fact that the gang which came from Levy's voted to the best of my belief, at least a half a dozen times before my eyes, probably oftener ; I cannot tell the number of men in that gang, because they came up and went away in a string, without interruption, after the manner of what mechanics call an endless chain ; I should judge there were from twenty to thirty of them, and I think I am quite moderate in saying that each one of them voted six times ; I know that, as I have stated, Levy, who superintended the process, seemed to think it an excellent joke, when I asked him if he had kept the tally ; and, I know that neither the judges nor the men from the Regulators, who superintended the voting, went through the form of preserving their gravity while it was being done ; whenever the man at the head of the gang, cried out, "make way for the voters," at the word "voters," there was a general peal of laughter.

Question. You have deposed to a load of citizens driven to the tenth ward polls, in an omnibus, please state whether you have a personal knowledge that they were not legal voters of the tenth ward ?

Answer. I do not know whether they were legal voters of the tenth ward or not ; I said that I saw one or two omnibus loads of people brought to the corner of Fayette and Holliday Streets, and voted ; from their appearance and dress, the most of them seemed to be sea-faring men ; when the omnibus arrived at the corner, a messenger came down from the omnibus to the polls, and one of the Regulators went up to the omnibus ; the "citizens" referred to, then got out and were marched down the sidewalk, with a Regulator at their head and another in their rear in Indian file ; they were voted under a cry of "make way for the voters," and in the midst of general laughter ; and when they had voted, they were marched back, in the same procession to the omnibus ; if they were legal voters of the tenth ward and came from their homes, in the omnibus, they certainly did not go to their homes in the same, for they came from the east, and were driven to the west ; and I think I am quite safe in saying that the persons in question do not reside in that part of the tenth ward to which they were driven ; I further supposed that they were not "citizens" of the tenth ward, from the fact that all the citizens of the tenth ward, who were at the polls, were forced to get out of their way to let them vote.

Question. Can you state of your own knowledge which party ticket the omnibus men and the party assisted to vote by the Regulators voted, and whether they voted closed ballots ?

Answer. I cannot, I had not the advantage of knowing their

sentiments beforehand, and I did not look at their ballots, I only know that they were brought to the polls and voted, by men who had fired on the Reformers, driven them away, damned them and their tickets scores of times in my presence, and that they received personal attentions from the judges and the Regulator challengers, which I saw no Reformers receive, and I therefore infer they did not vote the Reform ticket; there were around me gentlemen of the Reform committee, who had but recently blocked the whole ward, and others, old residents of the lower part of the ward, and familiar with its residents, from whom I inquired on the spot, whether they knew any of these people, and I could not find a man who had seen any of them before.

Question. Please state the number of the party designated by you as the Regulators, who were at the tenth ward polls on the 2d of November, 1859?

Answer. I cannot tell the number of the Regulators; the persons who rallied under that cry varied during the course of the day; sometimes one set would go away and another come from Levy's house; I should suppose there were about twenty-five engaged in the more active and violent work, and quite a considerable crowd who appeared to be backing them.

Question. As you witnessed the discharge of firearms at the tenth ward polls, please state the number of persons who were hurt or injured thereby?

Answer. I do not know any person who was injured by firearms among the Reformers; I can only account for it by the fact that the persons who fired were in the rear, for the most part, of those of their own party who threw the bricks, and that the muzzles of the weapons were slightly elevated on that account.

Question. How many persons were hurt or injured by the volley of bricks?

Answer. Only two of my personal acquaintances, that I remember; Mr. Richard D. Fisher was struck in the stomach and was quite sick for several days afterwards; Mr. Weaver was struck on the leg, and I heard several others complain on the spot of having been hurt, but I do not remember who they were; I know that the bricks fell all around and among us.

Question. Was there more than one discharge of firearms to your knowledge?

Answer. I think not, but that discharge was not a simultaneous one; it was continuous until the Reformers were driven from the street.

Question. How many minutes did the firing last?

Answer. I cannot answer the question decidedly; a minute is a good while under a volley from firearms, and the distance between the polls and the corner of Fayette Street, which furnished shelter, was so short, that the fire was necessarily not protracted; it lasted, however, until its end was accomplished.

Question. If in your power, please give the number of the members of the tenth ward Reform Association?

Answer. I cannot answer accurately, for I attended but few of its meetings; I think there were some sixty or eighty who had agreed to be at the polls on the day of election, for the purpose of encouraging the voters and aiding in having a fair expression of the popular will, but I do not know whether they constituted the association; I really have but little knowledge of the details of their organization, further than to know that, although very well meant, it was very imperfect.

Question. What was the number of Reformers who held tickets at the tenth ward polls on the 2d November, 1859; please also give the number of Reform challengers?

Answer. I really cannot answer the question with any accuracy; I think there were probably about twelve or fifteen, perhaps twenty, who held tickets, or took them out to be held, and probably a dozen challengers, perhaps a few more, who were to relieve each other during the day; as I have said, these details were in the hands of the younger and more active members of the association; I was myself very unwell on the day of the election, from the effects of speaking in the open air a couple of days before, so much so as only to be on the ground from a sheer sense of duty, and I am therefore less prepared than I otherwise might have been to satisfy these inquiries.

Question. Before the Reformers retired from the tenth ward polls, was application made to the acting Mayor, Spicer, for assistance of any kind?

Answer. I am not aware that there was any; I myself certainly made none; I spoke to Marshal Herring alone of all the public authorities that day; Mr. Spicer had told me the day before that he intended to have the same police arrangements which Mr. Swann had made for the Council election, and had told me further that Marshal Herring would have the control of the police; I spoke to Mr. Herring, therefore, as the officer whom the acting Mayor had designated for that purpose, and he told me that he was going to consult the Mayor; I considered that as all that I could do as a citizen to invoke the aid of the proper authorities; as a man, I was unwilling to have any further communication with Mr. Spicer on the subject, after the open violation on his part of the statement made by him to me the day before in regard to what his police arrangements would be; if I had gone to see him, and he had made further promises, I would not have believed them; I would not, therefore, go through the mockery of going; he could see and hear from his office every thing that I could tell him.

Question. Were you aware that in the tenth ward, on the 2d of November, 1859, in the third and fourth stories of the building on the northeast corner of Gay and Baltimore Streets, one square below the polls, there were stored in the armory of the Baltimore

City Guards' Battalion, one hundred or more new United States Minie rifles, with thirty or more rounds of fixed ammunition, and that each of said rifles had the new United States bayonet attached to it, and that said arms and ammunition were under the control of a resident of the tenth ward, who was the candidate of the Reformers for the office of Sheriff, of the election of the 2d November, 1859?

Answer. I did not know, nor do I now know, any one of the facts referred to in the interrogatory, nor have I ever heard of them, or any of them before; I do know, that so far as I was acquainted with the arrangements of the Reform party in the city of Baltimore, or in the tenth ward, there was no preparation whatever of firearms or ammunition, or any accumulation of them, or any contemplation of their use on the election day, except so far as individuals may have provided themselves with pistols for their own defence, and without concert with each other; if there had been anything of the sort in the tenth ward, I know that I should have been acquainted with it; if there had been any such thing in any of the other wards, I am confident I should have known it.

Question. Was Major Joseph P. Warner, the Reform candidate for Sheriff, at the tenth ward polls on the 2d November, 1859, whilst you were there?

Answer. He was not, to my knowledge; I do not remember ever to have seen Major Warner before the election, except at a Reform meeting one night at the sixteenth ward, when I was hurriedly introduced to him; when he called on me, after the election, I was so unfamiliar with his face that I did not recognize him until after some conversation.

Question. Would fifteen policemen, stationed at the tenth ward polls on the 2d of November, 1859, have insured access to the polls on the part of every one desiring to approach the window?

Answer. Beyond all question, in my opinion, fifteen resolute men, commanded by an officer of courage, armed as the policemen are, and backed by the force of the law, would have made the access to the polls perfectly easy and peaceful; I do not mean that the mere number of men would have had physical power enough to keep down the lawless crowd who were there, but that their presence, as officers of the law, clothed with its power, and showing that the public authorities intended honestly to do their duty, would of itself have been equal to the presence of fifty private citizens, equally brave and equally well armed; it would have rallied all good citizens who were desirous to uphold the law, and would have inspired a confidence which would have made the law irresistible; if those policemen had been there, determined to do their duty, there would have been no attack to resist, because none would have been made, and my deliberate conviction, from all that I saw is, that it was neither the strength

of the ruffians nor the weakness of the Reformers, which produced the results that day in the tenth ward. It was the fact, that the city had been surrendered to the mob by the constituted authorities, which emboldened the ruffians to take the law in their own hands, and so discouraged the law-abiding citizens, that they gave up in despair.

*Examination on both sides closed.*

BALTIMORE, December 18, 1859.

Correct.

S. TEACKLE WALLIS.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 19, 1859.

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BALTIMORE, December 19, 1859.

S. TEACKLE WALLIS appears, and by way of explanation of part of his deposition, adds the following :

In stating in reply to one of the cross-interrogatories, the number of persons belonging to the Reform Association, who had engaged to be at the tenth ward polls, I do not wish to be understood as conveying the idea that they were all on the ground, either when the polls were opened, or when the attack was made with firearms, which I have described. When the committee met that morning, I think there were about thirty-five present, and I do not think that more than twenty-five or thirty were at the polls at any one time, either at nine o'clock or after. I further desire to say, in regard to the presence of the police on the ground, that the policemen who first made their appearance came from the direction of the Holliday Street Theatre, or thereabouts, upon the rear of the Reformers, as they were retreating, and that their presence was first made known by their arrest of Mr. Fisher and I think young Mr. Stokes, both of whom were engaged in defending themselves: Mr. Stokes, I believe, was not, however, taken to the station house. The police did not make any pretence whatever of arresting the assailants.

I desire further to say, that in speaking throughout my deposition, in regard to things personally done by myself, I should be very sorry to be understood as giving any particular prominence to myself in the matter. I have been asked and compelled to answer, by the character of the questions, in the manner that appears.

*Cross-examination.*

Question. How were Messrs. Fisher and Stokes defending themselves,—was it with revolvers, or other firearms in their hands?

Answer. Mr. Fisher was defending himself with a revolver, which he drew while he and the rest of the Reformers were being fired on or driven away; Mr. Stokes had no pistol, but was using a stick, or something of the sort.

Question. Were you present on Saturday night previous to the election of November 2d, 1859, at a meeting of the Reformers at Metropolitan Hall?

Answer. I was; I addressed the meeting there.

Question. Have you a knowledge that a paper was then and there circulated for the signatures of Reformers, who, by such paper, mutually bound and pledged themselves to each other to go armed to the tenth ward polls with a view to aid and advance the cause of Reform; if so, please state whether such paper received the signatures or had to it the signatures of 179 gentlemen?

Answer. No; there was a paper which had been previously signed by members of the association, pledging themselves to go to the polls and remain there on the day of election to aid the cause of Reform by all lawful means; this is the paper of which I have already spoken, and which I have said was signed by some sixty or eighty persons, and no more, to the best of my recollection; it was not therefore signed by 179 persons as the question indicates, and there was not any engagement or pledge whatever to go armed to the polls or to use arms for the advancement of the Reform cause; no proposition or suggestion to any such effect was at any time made at the meetings or in committee, to my knowledge, and I am sure I should have known it if it had been; every man was left to determine for himself to what extent he should provide for his personal defence, and whatever was done in that respect by individuals was done of their own motion and without concert or understanding of any sort, so far as I know or have ever heard.

Question. Have you knowledge that the Reformers or any of them distributed among their adherents, pistols or other firearms to those unable to purchase them for use at the election on November 2, 1859.

Answer. No, I have no such knowledge; so far as the tenth ward is concerned, I know positively that such was not the fact; the whole funds collected in that ward, to the best of my belief, would not have purchased four good revolvers; and after paying the expenses of printing and room hire, would not have purchased a single pistol of any sort.

Question. Were the Reformers at the tenth ward polls, as a general thing, armed with pistols or other weapons.

Answer. I do not know, I never inquired and have never been told; two or three persons may have told me, after the election, that they had pistols in their pockets, but further I have no knowledge.

Question. In your address at Metropolitan Hall, on Saturday night previous to the election, was the audience solicited by yourself and other speakers, if there were any, to repel force by force, and generally to stand firm together, to protect and advance the Reform cause?

Answer. I was the only speaker who addressed the meeting, and I did counsel the Reformers to repel force by force, and to use all means recognized by the law for the protection of their persons and their rights; I did counsel them to stand by each other in resistance to unlawful violence, and also to protect each other and advance the Reform cause, by all lawful means as citizens, but I did distinctly and emphatically counsel them to commit aggression of no sort, to violate the peace under no circumstances, and to do nothing which would serve even as a pretext for provocation to their opponents.

Question. At what hour did the Reformers abandon or retire from the tenth ward polls?

Answer. I think it was about noon, by which I mean that they left the neighborhood of the polls at that time; I was at the polls and remained a short while after the rest had retired, I had gone around to the Exchange office to dry my feet, which were wet from standing in the gutter, by the polls, and when I came back I found, or was informed, that the Reformers regarding their further presence as idle, had retired in a body; I remained, as I have said, some five or ten minutes, after which I did not go back; from the time of the assault with firearms and the display of rifles, the window and its immediate neighborhood were abandoned by the Reformers, and from that time until they left, they practically took no part in the election, except that of distributing tickets to the few who asked for them; from the time of the firing, of which I have spoken, all contest on the part of the Reformers was abandoned, they not having either numbers or arms to make the only effort which could have been available to assert their rights, and their first efforts in the direction of self-defence having been at once overpowered by the police.

Question. How many of the Reformers were arrested by the police at the tenth ward, to your knowledge?

Answer. I do not know; events passed very rapidly, and my observation was attracted by so many things, and there was so much confusion and at one time so much impending danger, that I am unable to remember such details as are enquired of, with any accuracy; the same remark will properly qualify what I

have said in regard to the particular time of the day at which the facts of which I have spoken recurred.

BALTIMORE, December 19, 1859.

Correct.

S. TEACKLE WALLIS.

Test—DANIEL E. MYERS, J. P.

JOHN KITLER, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Where do you live ?

Answer. No. 19 French Street, in the eighth ward.

Question. Were you cooped before the election of November 2d, 1859 ; please state the circumstances ?

Answer. On Tuesday, November 1st, 1859, I went with my friend Frederick Teufel, to the Court of Common Pleas, to get my second papers, and when I applied for them, they were made out, and as I had not two dollars to pay for them, a little man with a black moustache, with a big book under his arm, whom I do not know, told me to go down to No. 11 Holliday Street, and that the people down there would give me the two dollars to pay for my papers ; my friend paid two dollars for his papers, and got them.

The same man came down from the court with us, and again told me to go to No. 11 Holliday Street, and get the money ; we went down to No. 11 Holliday Street, and the man at the bar told me that we should have the money directly ; three or four men came into the bar-room and asked us to go behind the counter, and then they caught us and thrust us down into the cellar ; they then carried us up-stairs, into the second story of the same house, where some thirty-five others were, and they stuffed a handkerchief into Teufel's mouth to keep him from crying out ; they then tore open my coat, and took my watch, a cigar, and a little piece of tobacco, and carried them off, saying they would put them in the armory, and return them next day ; on Wednesday morning, after the shooting or firing, they brought us out, six by six (we were in the third instalment, or detachment of six), and we were led up to the polls of the tenth ward, and we were voted ; the ticket was furnished to me and to the others to vote ; it was a very narrow ticket, and handed to us by one of those who kept the coop ; we were then led back, and after about a half an hour, three of us, Teufel, myself, and another, were brought out, put in a carriage, with one of the gang inside and one outside, and we were driven to the sixth ward polls ; at these polls we went up to the window, and the judges would not

receive our votes because we had no papers; the man who had been in the carriage with us went about in the crowd and got two false papers and brought them up to the window, and under them two of us were voted; Teufel did not vote there; we were then driven back to the tenth ward polls, and were promised that we should get our watches and things, and be let off, but when we got there we were again shut up; after about ten minutes, three or four of us, I among them, were again taken to the tenth ward polls and voted again; after about twenty minutes, about twenty of us, I among them, were put into an omnibus and were driven to the fourth ward polls, and the whole of us were compelled to vote there; the judge asked for our papers, but the fellow who was with us said, "It's all right, go ahead, go ahead," and no further difficulty was made; after that we were driven to the second ward, and there again voted; there the judges asked no questions, but took all our tickets; we were then taken to Rough Skin Hall, and put down in the cellar, and then taken up-stairs and changed about in different rooms; up to half-past four o'clock we were kept there; we had nothing to eat or drink but a little piece of bread and a small glass of whiskey, from the time we were first shut up on Tuesday; then they told us we would have to vote once more and then we might go home; they then brought me out and made me vote again in the second ward, and they then let me go; I had not received my second papers at all, and had not therefore a right to vote at all; the ticket which I voted on all these occasions was the American ticket, long and narrow.

BALTIMORE, December 19, 1859.

JOHN KITLER.

Test—DANIEL E. MYERS, J. P.

FREDERICK TEUFEL, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

Question. Where do you live?

Answer. No. 361 Edgar Street, in the eighth ward.

Question. Were you coerced prior to November 2d, 1859, and compelled to vote? if so, how often and in what wards?

Answer. On Tuesday morning before the election, I went with my friend Kitler, the last witness, to the Court of Common Pleas, and got my second papers, and afterwards went with him to No. 11 Holliday Street, he wanting to get two dollars to pay for his papers, which he had been told in that court-room he could get at that house; when we went into the bar-room, after a few minutes, three or four men came from the back part of the house and seized us and threw us down the steps into the cellar; they then led us up-stairs, and thrust my friend into the room,

and outside the door they searched me and took away my watch and handkerchief; I begged very hard and loud, and they took a handkerchief and stuffed it into my mouth, and then they thrust me into the door; they then took me into a back room and tore off my clothes and searched them again; about an hour afterwards they brought me my watch back again and gave it to me all broken. Wednesday morning, the day of the election, November 2d, 1859, between nine and ten o'clock we heard shots in the street, and then we were brought down, six by six, and voted at the tenth ward polls; none of us were asked any questions by the judges; we were then led back and put down in the cellar; we, that is, myself, Kitler, and a man named Bauer, were then put into a carriage and driven to the sixth ward, and they wanted to make me vote again, but as I had no papers, the judges would not receive my vote; we were then put back in the carriage and driven back to the coop in Holliday Street; I then was forced to vote again in the tenth ward; while I was in the entrance or passage, about half an hour, I saw a file of the men who were cooped, say six or seven, taken out towards the polls, and after a little while brought back, their hats and caps changed, and they were again led out in the same direction and again brought back; this was done five or six times; I did not see any of these men actually vote. Then a number of us were brought out and put in an omnibus; I could not specify the number, but the omnibus was full with men sitting on each others' laps, about twenty of us, and we were driven to the fourth ward polls, and I and the others were all voted once at these polls; none of us were asked any questions by the judges; I tried to run away, and they caught me and put us all back again into the omnibus; they then drove us to the second ward polls, and I and the others voted again; they then shut us up in Rough Skin Hall, and then they came for us again and made me vote the second time at the second ward; they then put me in the cellar of Rough Skin Hall, and kept me a long time without anything to eat or drink, so that I was almost dead with faintness and weakness; between five and six o'clock they brought me out again and made me vote a third time at the second ward; they then let me go. I was prevented from working for eight days afterwards by the fatigue, sickness, and fright; the tickets which I voted were long, narrow ones. I took a similar one home with me, which I got from the party at the sixth ward polls, where I was not allowed to vote; it was a long, narrow ticket, with a *head* at the top of the ticket. I did not on any of the occasions vote willingly of my own accord, but I was led up by force each time and compelled to vote against my will; I did not vote in the eighth ward, where I had a right to vote, it was so late when they let me go at the second ward.

BALTIMORE, December 19, 1859.

Correct.

FREDERICK TEUFEL.

Test—DANIEL E. MYERS, J. P.

Dr. JOHN HANSON THOMAS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you one of the judges of election at the eleventh ward polls, on November 2d, 1859.

Answer. I was.

Question. Were you the Reform judge?

Answer. I believe I was appointed as such.

Question. Were you allowed to have a clerk of the Reform party?

Answer. The two other judges declined to allow me to have a Reform clerk, claiming to have the right to appoint the two clerks of their own, that is the American party.

Question. Were you a judge of election at the previous municipal election, and if so, had you a clerk of the Reform party?

Answer. I was a judge of election at that election, and was allowed by the two other judges to nominate one of the clerks; they nominating the other clerk.

Question. Was there free access for all voters at the municipal election?

Answer. I think there was; I think it was as fair an election as I ever saw.

Question. Did the police at the municipal election exert themselves to maintain order, and keep the access to the judges' window at the polls open?

Answer. They did their duty thoroughly, and kept the access to the polls open.

Question. What was about the vote for the Reform candidate at the municipal election, and what was the vote for the "Native" candidate?

Answer. A little over seven hundred for the Reform candidate, and about two hundred and sixty for the American.

Question. At that election, about how many police officers were on the ground during the day?

Answer. The general number, I should suppose, was about fifteen.

Question. At the election, on November 2d, 1859, what was the greatest number of police officers present at the eleventh ward polls at any one time, and were there any there, and if so, how many, when the polls opened?

Answer. I got into the room some twenty minutes before the

window opened; I do not think that I recollect aiding or assisting in front of the window or around there, more than five or six police officers, at any one time; there were some there, I do not recollect how many, when the polls were first opened.

Question. Did you order the arrest of any individual; if so, please state the circumstances connected therewith?

Answer. A party undertook to break down the barricade, which caused much confusion, and I selected one among them, who was making the most confusion and disorder, named Wm. Kernan; I had had some commitments made out for various offences, blanks, requiring only my own signature, and the name of the offender; I filled up one of them, and called a police officer, and gave him the commitment for Kernan, for riotous and disorderly conduct; in about twenty to thirty minutes, Kernan was back at the polls; he then asked me at the window, good humoredly, rather, "Doctor, are there any commitments out?" "Yes," said I, "Kernan, I gave one out for you; but it doesn't make any difference, Kernan, for it won't be executed;" I saw that I was powerless and could do nothing.

Question. Did you see much disorder about the polls; please state any assaults upon challengers or other persons that you witnessed?

Answer. There was a great deal of disorder about the polls; immediately after the polls opened, both sides of the window were held by members of the American party; some of the Reformers immediately appealed to the judges to give them one side of the window, to which Eschbach, one of the judges, replied, that the judges had nothing to do with matters outside the window; I said it was nothing but fair and usual to give one side to each party; and after awhile, Mr. Wm. H. Norris, a Reformer, with Mr. Armistead, at his back, after a good deal of perseverance and firmness, succeeded in getting one side of the window; after one side of the barricade was broken down, Dan. Hinton got upon the American side of the window, and was very noisy and riotous; the window and platform at this time was very much crowded, and Hinton said to Mr. Armistead, "I have marked you to-day about here, and I should like to give it to you, and I'll do it too," or something of that sort; a short time afterwards he made a dash at Armistead, and the latter, to avoid the blow, slid down the platform, being unassisted.

Question. Did this party of whom you have spoken succeed in taking possession of the window?

Answer. Yes, at one time they had entire possession of both sides of the window.

Question. How was the one side of the barricade broken down?

Answer. By an attack of the Black Snakes and Washingtonians, or persons who, I have always understood, belonged to those clubs, with Kernan at the head of them, all of them swaying and pushing against it by a concerted action.

Question. Did the police interfere to prevent this breaking down of the barricade?

Answer. No, they made no honest attempt; they made a mere show of interference by arresting a man who had been doing nothing, and not arresting those actively disorderly and riotous; the man they arrested was let go again immediately.

Question. Did you hear either of the two other judges of election question voters improperly, and if so, what were the questions, and to whom were they addressed?

Answer. When the polls first opened, and the foreigners began to vote, Mr. Eschbach, who seemed to control the other judge, required secondary evidence that the person presenting naturalization papers were the persons to whom such papers professed to be issued; he was not satisfied that evidence was brought that these persons were voting under a true name, and of the same name as that contained in the papers, and identified as having lived in the city and ward a certain length of time, but he required secondary evidence to be produced, that they were the very persons mentioned in the papers; Mr. Norris and myself protested against any such thing, that it had never been done before, and could not be done with any justice, that I considered it unfair and illegal; the natural consequence would have been to exclude necessarily all the naturalized vote of the ward; Mr. Eschbach, after a while, after having pursued that course for some time, and rejected, as I think, some few such voters, then commenced a rigid examination of naturalization papers, in such a manner as apparently to keep back the voters generally; the first thing was, that the date of the papers being in some cases, say 1857, did not agree with the date of the seal of the court, which was of 1851; Mr. Norris and myself explained that the date on the seal was not of any consequence, that it had nothing to do with the date of the issuing of the paper; this consumed some considerable time; Eschbach then required that the seal of the court should be so perfect that the impression could be read all round, and to this he adhered throughout and would not change; several voters were rejected by a majority of the judges under these two last positions of the judges; some few voters, after being rejected, went off and brought back their papers, with a fresh impression of the seals of the courts, dated as before, 1851; we then remarked that the date on the seal was of the time of the institution of the court in 1851, and after that no objection was made to votes on that ground, and were then permitted to vote; among other persons, a Mr. Clark, called Father Clark, of Loyola College, came up to vote; Mr. Eschbach asked him if he wasn't a Jesuit, to which he replied "yes," after having been sworn; he then put questions to him, which amounted to whether his allegiance or oath to the Superior of the Jesuits was not at variance with his oath of allegiance to the United States; to which he replied, "no;" Eschbach then asked him

whether he was not bound upon an order of his Superior, to leave the United States and go abroad for any length of time; I think he answered "no" to this too; Mr. Clark seemed a good deal indignant at such questions being put to him, and asked the reason of their being put, and Eschbach said, "don't get excited, don't get mad, you shan't vote unless you answer my questions;" at this point I thought I would interfere, and said, "this gentleman has sworn allegiance to the State of Maryland and the United States," and then addressing Mr. Clark, I said, "the question to you is, whether you owe any allegiance to any other power inconsistent with your allegiance to the United States and the State of Maryland;" he answered, "no," and then I said, "he is entitled to vote," and he did then vote; after Mr. Clark left the window, Eschbach said to me, "I don't think any Jesuit has a right to vote."

Question. Did you see either of the American judges of election object to the vote of any man offering to vote the American ticket?

Answer. No, I did not; that was evidently left to me, and I found out that one of their party that did not live in the ward, George Magee, had voted, and after that I began to swear those about whom I had doubts, and several attempted to vote that lived out of the ward, or appeared not to be of age, and when I offered to swear them, their party took them away, saying, "don't swear, don't swear." I must do the two judges the justice to say that I did not see them attempt to take in any votes that I thought illegal or improper.

Question. Were the polls of the eleventh ward removed from the usual place of holding them before November 2d, 1859, to a place distant from the centre of the ward?

Answer. They were removed from the usual place of holding them to a place much less convenient to the mass of voters of the ward, and more distant from the centre of the ward, geographically, as well as with regard to the population.

Question. At what time did you retire from the judges' room?

Answer. At a quarter before two.

### *Cross-examination.*

Question. Were the polls of the eleventh ward abandoned by the Reformers at the request of any of the Reform leaders at the time you left, and if so, who were such leaders; and what in substance did he say to the Reformers about the polls, if he made a speech?

Answer. Dr. A. C. Robinson came up on the platform and told me that he had been sent by the Reform committee to request me unanimously to leave, stating that almost all the other polls were in the hands of the other party, and that a prolongation of

the contest would lead to riot and bloodshed, and the sacrifice of valuable lives, without accomplishing any good ; Dr. Robinson, or some of my friends around the window, told me that they had reason to believe that the clubs from the other wards would all centre against the eleventh, and inevitably bring about riot and bloodshed.

Question. Please state at what hour this request was communicated to you, and whether you complied with it?

Answer. I suppose it was about half-past one o'clock, Mr. Gill came about that time, and I spoke to him and some others who were with him, and I said to them that I must have their approval of my retiring, that I was willing to remain there at the risk of my life, if they stayed ; they told me it was their advice to me to retire, and therefore after some reflection I determined to retire, and did so, in consequence of the unanimous request above mentioned ; the approval of the persons I have mentioned ; having heard that some of our friends had been shot, and some killed ; in the other wards, and that it would be of no use any longer to prolong the contest in our ward.

Question. Please state how many persons were reported as shot or killed before you retired?

Answer. I heard that one had been killed and another shot.

Question. The return of the judges shows 569 votes cast for Mr. McKim for Senator, as against 652 cast for Mr. Yellott, for the same office, please state whether you believe such Reform vote for Mr. McKim to have been cast before you retired from the polls?

Answer. I believe that a very large proportion of those had been cast for Mr. McKim ; there were about 680 to 690 votes cast when I left, a very large proportion of which were for the Reform ticket ; my belief is that there were over 500 Reform votes cast before I left the polls ; the tickets were easily distinguishable by their size, the American ticket being much narrower.

Question. Had any one approaching the poll and attempting to vote been seriously hurt ; if so, please state the circumstances?

Answer. No, sir, I don't think any one was seriously hurt ; the Reformers were in a very large majority ; the difficulty was that the Reformers could not clear a way to the windows, not being willing to begin an attack.

Question. Can you state of your own knowledge that any illegal votes were cast on the election of November 2d, 1859, at the eleventh ward polls, other than the vote of Magee?

Answer. I cannot ; I did not see any votes taken that I believed or suspected to be illegal ; but when I saw votes coming in so fast, which I did not know, I commenced swearing the parties, and then they backed down without swearing.

Question. Have you a personal knowledge that any of the legal voters of the eleventh ward were, by violence or intimidation, prevented from offering to vote on November 2d, 1859 ; if so, how many such persons?

Answer. Not by violence and intimidation, but I believe legal voters, men at least who swore they were legal voters, were prevented by the judges requiring the date of the seal to be of the same date with that of the papers, and that the impression of the seal should be sufficiently distinct to be read all around; it is very difficult to specify the number of such persons, but I should suppose some fifteen or twenty were turned away on these grounds, some three or four of whom, perhaps, got a new impression of the seal, bearing the same date as the old impress, and then voted.

Question. At whose request was the barricade erected?

Answer. A committee from the eleventh ward Reform Association wrote a note to me requesting me to lay an application before the judges of election for permission to put up a barricade; the afternoon previous to the election the judges were at my house, and I submitted it to them, and Mr. Eschbach said they would take no action on it, they would neither assent nor dissent; I stated to them that Mayor Swann had authorized the barricade to be put up the former election, and that I had been informed by the gentlemen making the application, that acting Mayor Spicer had approved of it, and had said that if he had time, say two or three days, he should have liked to see them put up at all the polls; the gentlemen came to me afterwards for an answer, and I stated to them what the other two judges had said; they asked me what I thought of it, and I said I approved of it, and then they, the Reformers, had the barricade put up.

### *Re-examination.*

Question. Please describe the barricade as erected?

Answer. The window was a high one from the ground, and they had to put steps up to get to the window; there were two outside walls and a partition in the middle, with an open space immediately in front of the window, so that voters could go up one side and come out at the other.

BALTIMORE, December 19th, 1859.

Correct.

J. HANSON THOMAS.

Test—DANIEL E. MYERS, J. P.

JAMES WILLIAM LYON, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

### *Examination in chief.*

Question. Were you at the polls of the eleventh ward on No-

vember 2d, 1859; if so, at what hour did you go there, and how long did you remain?

Answer. I was there; went there at six o'clock, A. M.; left there finally at a little after two o'clock, P. M.

Question. While you were there, before the polls opened, did a party attempt to destroy the barricade erected there; if so, state the circumstances of such attempt?

Answer. At about eight and a half o'clock, a party numbering about twenty, came from Lerew's Alley towards the polls, headed by a man with an axe, and they attempted to break down the barricade; the man with the axe cut away at it, and the others assisted in tearing it down by pulling, kicking, &c.; they succeeded in getting one plank off, but nothing more at that time.

Question. Was Mr. Eschbach, one of the judges of election, looking on at the time this attack was made?

Answer. I don't think he was.

Question. Were you assaulted in the course of the day?

Answer. I was; I was several times kicked, and I was struck on the back of the head with a "billy" a very violent blow, and partially stunned for a short time.

Question. Were you assaulting any one at the time?

Answer. No, sir.

Question. Did you see any one else assaulted without provocation?

Answer. I cannot specify any individual struck without provocation; but I saw a great deal of pushing, fighting, &c., on the part of the "roughs;" I saw the line of voters broken through by them; I myself was assaulted some five or six times.

Question. What was the conduct of the police on that day, as you observed it?

Answer. I thought the police were acting with the "roughs;" as an instance of it, I saw an officer without his uniform, mounted on the barricade, assisting to pull down the barricade apparently; a gentleman pulled him off, and he at once arrested the gentleman; and, pulling out his badge from his vest pocket, he carried the gentleman off to the lock-up; I did not see the policeman actually pull out his badge, but I was present at the examination of the gentleman, and he told me that he had sworn that the badge was not shown until after the arrest; the policeman's name was Shank; I saw the police arrest several gentlemen who were doing nothing at the time of their arrest, among them, Mr. Lambert Gittings and Mr. Thomas H. Morris; Mr. Morris was arrested at a time when he was standing near the polls doing nothing at all; the same was the case with Mr. Gittings; the charge against him was the drawing of a knife upon the man who made the charge; I saw Dr. Thomas hand what he said was a commitment to jail for William Kernan, to a police officer, and I saw Kernan after that for two hours standing at the window acting as challenger; some others and myself, standing near the

polls, were ordered away by the police; one of them, laying his hand on me, told me to come away from there, and I went off; I was standing at the time outside the barricade, on the pavement, near the polls.

Question. Was this gang of rowdies largely increased by two o'clock?

Answer. Yes; a large crowd came down Madison Street to the polls.

*Cross-examination.*

Question. Did you vote on November 2d, 1859?

Answer. I did.

Question. Were any of your personal acquaintances prevented from voting at the eleventh ward polls; and if so, which of them?

Answer. No, sir; I don't know any of them who were prevented.

Question. Please state any illegal votes cast at the eleventh ward, on November 2d, 1859, of which you have a personal knowledge?

Answer. I have no knowledge of any illegal vote.

*Examination closed.*

BALTIMORE, December 19th, 1859.

Correct.

JAS. WM. LYON.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 20, 1859.

BALTIMORE, December 20th, 1859.

WILSON C. N. CARR, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you at the eleventh ward polls, on November 2d, 1859, and how long were you there?

Answer. I went to the eleventh ward polls at half-past eight o'clock, A. M., and remained there until about half-past twelve o'clock, M.

Question. Did you see any persons assaulted while there; if so, state the circumstances?

Answer. About half-past nine o'clock, A. M., an attack was made by a large crowd of Know-Nothing rowdies upon the west

side of the barricade, who attempted to pull it down; during that attack, a man named Thomas Carman, who was one of the Know-Nothing challengers, came down out of the barricade, struck me with a "billy" or slung-shot, a little above the right temple; the blow came from behind; I was stunned senseless for a few moments; and but for a friend having struck the man's arm up, and that the blow struck the rim of my hat, it would probably have killed me; this man, after striking me backed off into the crowd, and put his hand into his side-pocket, as if to draw a pistol, though I did not see him actually draw one out; another man near me was struck on the top of the head, during the same attack.

Question. How many policemen did you see present, during the time you were there, and what was their conduct?

Answer. There were no police there, until a short time after the polls opened; the first thing they did, after arriving on the ground, was to arrest Mr. Thomas H. Morris, who had been standing for some time near me, and who had not, so far as I saw, done anything to anybody; at no time of the day, were there more than four or five police officers at or near the polls, so far as I could see, and only on two occasions while I was at the polls did the police make any efforts to keep the polls open or to arrest persons making disturbance; several times they were ordered off from the polls and retired to where their sergeant was, half a square from the polls; I mean, they were ordered off by their friends, the Know-Nothing rowdies, who were around the window, and on those orders they retired, and several times the sergeant and his officers refused to make any effort to keep the polls open or to arrest rioters, although they were solicited so to do, and although they saw the acts of riot and disorder themselves, or had at least a fair opportunity to see them.

Question. Did these rowdies get entire possession of both sides of the window while you were there?

Answer. When I first went to the poll in the morning I entered the barricade and approached the window with a view of acting as challenger, when I reached the window I was received by the Know-Nothing rowdies, who occupied the whole space in front of the window at that time, with hoots, hisses and threats; they told me that they had me outside this time, and intended to fix me, that I couldn't act as clerk of election at the eleventh ward any more. I had occupied the place of clerk at the Municipal election and had from my knowledge of the voters stopped some ten or twelve illegal votes from going into the box; one of these men at the window had an axe in his hand, which he flourished around saying at the same time that they intended to knock that barricade down; I then left the window thinking it better that some older man should act as challenger, and I took my place outside on the west side of the barricade; several times during the day, while I was there, these rowdies took complete

possession of the whole poll, there being only two of the Reform party near the window and those two acting as challengers; when the Reformers gathered around the poll with a view of protecting the barricade individuals were sent off by the rowdies, and after a short absence they came back from the direction of the twentieth ward with large reinforcements and then attacked or made a rush upon the barricade, the west side of which they succeeded in breaking down almost entirely by the middle of the day. At one time Mr. Eschbach, one of the judges, put his head out of the window and told them they might come up to the window by either side of the barricades or any way they could, and then there was a rush made by the rowdies and they took complete possession of the window and the approach to it; at about quarter past twelve o'clock a gang of rowdies headed by Dan Hinton rushed up the gangway, which at that time was filled with voters who were going up quietly to the window; this man Hinton caught hold of the cloak of Gen. John Spear Smith, who had nearly reached the window, pushed him against the side of the gangway, prevented him at that time from voting, and got complete possession of the whole space around the window, declaring that none except "Americans" should vote; in this cry he was joined by his companions.

Question. Did you see any illegal votes received; and if so, how many?

Answer. I saw a number of persons vote on that day whom I had never known to be residents of the eleventh ward before, and who evidently had come from other wards; I specially remember Dan Hinton as having voted, who is not entitled to vote, having served out a term in the penitentiary, having been convicted in the Criminal Court of Baltimore city in the spring of 1853 or 1854; another one was John Stitche, who was, and perhaps now is, a police officer in the twentieth ward; I challenged his vote, but it was taken, at least he told me he had voted.

Question. Do you know anything of the circumstances connected with the arrest and discharge of Mr. Wilson M. Cary?

Answer. I did not see him arrested, but a quarter before one o'clock, P. M., I heard that he had been arrested and carried to the station house; I immediately hastened to the middle district station house, and found Mr. Cary and a number of other gentlemen in the lock-up; I asked for the police magistrate of that station, and was told that he had not been there that day, and they did not know where he was, that he would not be there before six o'clock that evening; I then went to the Mayor's office, and informed acting Mayor Spicer that my uncle, Mr. Cary, had been arrested at the eleventh ward and was then confined in the station house, and that I could not find the police magistrate, and therefore demanded of him to take bail for Mr. Cary; his reply was, "I am not acting in the capacity of a magistrate to-day;" I told him that he must act, and that I had abundantly sufficient

bail for him on the ground ; he then consented and sent his secretary over to the station house and had Mr. Cary brought before him and released on bail to appear before him next morning ; the next morning I went with Mr. Cary and his witnesses to answer the charge before the Mayor ; no witness appeared against Mr. Cary, the Mayor refused to consider the question, and after consultation with Frederick Pinkney, Esq., told Mr. Cary that he did not intend to examine any of those election cases, that if the Grand Jury chose to do anything with them, they might ; he discharged Mr. Cary without bail.

*Direct examination closed.*

The witness desires to add to his deposition the following statement :

Shortly after the polls opened, Thomas Carman came down out of the barricade, and called out, " Wilson Carr has struck a man with a sword-cane ; they are drawing their *dirks*—now's the time for us to draw our *pistols* !" I demanded that he should come to my face and make the charge, that if he did, I would give myself up to a police officer ; he did not do so, and soon after took his place inside the barricade as challenger ; at one period of the day one of the most active leaders of the rowdy gang was a man named Shanks, a police officer from Federal Hill ; he was not in uniform ; the police in the eleventh ward had the numbers on their caps covered up and concealed.

*Cross-examination.*

Question. Did you vote ?

Answer. I voted.

Question. Who of the legal voters of the eleventh ward at the election on November 2d, 1859, after persistent efforts to vote, were by violence prevented from so doing ; please give their names and residences ?

Answer. I cannot specify the names, as I was not near enough to the window to know whose votes were rejected ; I can specify the name of one gentleman who did not vote, although he was at the poll, and made several efforts to get to the window : I refer to Wilson M. Cary, whose present residence is No. 269 North Eutaw Street. When he was released from the station house, he came back toward the eleventh ward polls with the intention of voting, but when we arrived within two squares of the polls, we learned that the Reformers had left the polls, and that the rowdies had full possession there, and that firearms, muskets, &c., had been exhibited there, and I and Mr. Cary's friends advised Mr. Cary not to attempt again to vote.

Question. Is Mr. Cary the only one of your personal acquaintances who was prevented from voting as aforesaid?

Answer. He was the only one whose name I now recollect.

Question. Are you understood as stating that the persistent effort of Mr. Cary to vote, was only made two squares off from the polls, and that he was deterred from voting, after his release from the station house, by reports brought to him of the abandonment of the poll by the Reformers, and the report that the American party had possession?

Answer. I do not mean that the effort referred to in the question, as made by Mr. Cary, was the only effort that he made during the day.

Question. Have you a personal knowledge of the persistent efforts made by him to vote; if so, please describe them?

Answer. I know that when he came to the poll, at about half-past ten to eleven o'clock, A. M., that I saw him approach the gangway once or twice, as if to go toward the window, and I know that he did not get to the window.

Question. State the number of illegal votes that, to your personal knowledge, were cast at the eleventh ward polls, prior to one o'clock, P. M., on November 2d, 1859; and give the names of the persons so illegally voting, whom you recognized as illegal voters?

Answer. I cannot now say how many illegal votes I saw given at the polls on that day; I can only specify the two names that I have already given in my examination in chief, viz., John Stitche and Dan Hinton.

Question. Of what wards, respectively, were these men residents?

Answer. I believe Dan Hinton still lives in the eleventh ward, though I am not certain; I know that John Stitche at one time lived in the twentieth ward, and I believe that he was a resident of that ward on November 2d, 1859; I never knew him to be a resident of the eleventh ward.

Question. Are these the only two illegal votes that you can depose to with certainty, as cast on November 2d, 1859, at the eleventh ward polls?

Answer. These are the only two *whose names* I can now specify; but I know, and noticed at the time, that there was quite a number of illegal votes deposited at that ward, on that day, how many I cannot say?

Question. In case of a contested election, what specific number is to be understood by the description "quite a number?"

Answer. Never having been a member of any legislative body, before whom any election is contested, I am not able to answer the question.

Question. As your testimony is to be produced to a legislative body, please state what number you wish such body to

consider, as embraced by you within the description, "quite a number?"

Answer. To the best of my recollection, there were at least twenty illegal votes deposited in that poll, before half-past twelve o'clock.

Question. Have you been a resident of the eleventh ward, and a voter thereof, as long as Dr. J. Hanson Thomas; and are you, in your opinion, better acquainted with the legal voters of the ward than he is?

Answer. I have been a resident and voter of the eleventh ward for the last ten years, during which time, at every election, except one, I have been either clerk of election, or challenger outside the window, and besides, have several times assisted in blocking the ward, and on two occasions canvassed the ward thoroughly, as a candidate before the people, once for the Council, and once for the Legislature, and consider myself better acquainted with the legal voters of the eleventh ward than perhaps any other man in it, and because of my knowledge of the voters, I was selected by all three of the judges at the late Municipal election, as one of the clerks; as such I informed Dr. Thomas, during the polling at that election, of the illegality of at least ten votes that were offered on that day, of which he seemed to know nothing.

Question. Did you see received by the judges, as many as twenty ballots, which you feel confident were illegal votes, and which were by the judges deposited in the ballot-box; are you so positively certain of this, as of your own knowledge, that you can depose to it for the guidance of the Legislature?

Answer. I was not near enough to the window to see any ballot actually deposited in the box, except when I voted myself, but I saw at least twenty illegal votes offered and received at the window by some one of the judges, the voters, after so offering them, coming out of the gangway making use of such expressions as, "it's all right, we'll vote again after awhile;" I depose to these things with a full view of the purpose for which this testimony is to be used, and am careful in fixing the number of illegal votes as not less than twenty.

Question. Did you see any of these persons, who on coming from the window used the expressions you have mentioned, vote again?

Answer. Not that I recollect.

Question. Was there any discharge of firearms at the eleventh ward polls whilst you were there?

Answer. There was not.

Question. Was any one wounded or seriously hurt at the eleventh ward polls whilst you were there; if so, state the circumstances?

Answer. I have stated that I was struck in the head with a billy, and received a very bad wound from it, from which I did

not recover for a week ; just before I left the polls, I saw several gentlemen, Reformers, protecting a man who had been beaten badly on the head, in the barricade ; I saw two men, just after the polls opened, coming down out of the barricade, who had received a blow, each of them, about the heads ; they were men who were engaged in the first attack made on the barricade, and who had been very violent in their threats and actions towards me personally, and other persons who voted with the Reformers ; who struck them, I do not know.

Question. Was the number of persons struck, to your knowledge, whilst you were there, two only on each side, as you have mentioned in the foregoing answer ?

Answer. I do not know to what side the man belonged who was protected by the Reformers, as I have mentioned ; there were other persons struck, but not seriously hurt or wounded, so far as I could see, to which the fifteenth question limits my answer.

Question. From your ten years' experience as a voter, is it an unusual thing to observe half a dozen or more blows struck at any election, where the contest is exciting ?

Answer. Prior to the State election of 1855, it was a very rare occurrence to see half a dozen blows struck at the eleventh ward polls on an election, even of the most exciting character ; since 1855, it has been a matter of constant occurrence, getting worse and worse at every election, and by far worse at the election of November 2d, 1859, than I ever knew it before.

Question. Please state the number of persons you saw struck at the election of November 2d, 1859, at the eleventh ward polls, and whether the blows all came from the Know-Nothings or Americans ?

Answer. It is impossible to state how many blows I saw struck, for there were at least four or five general fights while I was there that day, and I saw no blows struck by any Reformer, except to repel an attack made upon himself or his friends ; the first blows that were struck came from the Know-Nothing rowdies in their attack on the barricade.

Question. How many firearms did you see exhibited at the eleventh ward polls in the hands of the Know-Nothings, and of what description were they ?

Answer. Up to the time that I left the polls, no firearms had been openly displayed by anybody.

Question. Please state the number of persons composing the eleventh ward Reform organization ?

Answer. I cannot tell ; I never formed an estimate of the number of persons who had, formally or informally, joined the organization ; I saw, however, at a meeting prior to the municipal election, at Mount Vernon Hall, between two and three hundred persons ; our usual attendance at the meetings at the Peabody House, for a week or ten days prior to the State elec-

tion, would have averaged one hundred and twenty-five or one hundred and fifty; but the largest meeting of the Reformers of the eleventh ward that I saw, was in front of the polls at the last municipal election, when there must have been nearly seven hundred or between seven and eight hundred.

Question. Was there, so far as you know, on the part of the Reformers generally throughout the city, prior to November 2d, 1859, a disposition and avowed manifestation to resort to any measures, and to use force if necessary, to carry that election.

Answer. There was not, and any one who says that there was, makes a wilful misstatement, or speaks without any knowledge of the facts; I was in constant communication with the leaders of the movement, in all parts of the city, and those leaders and the active participants were among the most respectable and quiet citizens of the town, whose sole object in forming the organization, was to secure, if possible, to every man entitled thereto, the right of suffrage.

Question. Did these gentlemen, having such object in view, by noon on the day of election, or shortly thereafter, themselves abandon the poll, and counsel and advise their adherents to do so, leaving full and undisturbed possession of the polls to their opponents, the Know-Nothings or Americans? Being in communication with the leaders, please state, if you know the fact, the hour at which, in council, the order to abandon the polls was issued by them, if any such action was in fact advised by them.

Answer. I know nothing, of my own knowledge, of what was done on the day of election, in any ward except the eleventh; I was not present when the Reformers of the eleventh ward abandoned the poll; I arrived in the neighborhood of the polls a short time after they had abandoned it, as I was informed; I know nothing about any *council* or any *order of council*, not having recognized any such feature in the Reform organization.

Question. Was Dr. A. C. Robinson, one of the recognized leaders in the Reform movement in Baltimore?

Answer. He was a member of the Central committee, whose duty or principal business it was to consult with Reformers throughout the town.

BALTIMORE, December 20, 1859.

Correct.

WILSON C. N. CARR.

Test—DANIEL E. MYERS, J. P.

JAMES E. MONTELL, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says ;

*Examination in chief.*

Question. Please state whether you were at or near the eleventh ward polls, on November 2d, 1859, at what hour, what you saw in going to the polls, and what you saw in the vicinity of the polls ?

Answer. Between one and two o'clock, P. M., of the day of election, I was proceeding up Charles Street, on my way home, in company with Mr. E. B. Graf, when we observed Charles Street, near Fayette Street, lined with persons of apparently low character, holloing, whooping, and striking steps and rails as they went along with sticks and clubs, on their way, as we were informed, to the eleventh ward polls, for the purpose of driving away the Reformers ; I had previously heard, that the Reformers had abandoned most of the other polls—hearing this, we followed them up, and made a detour round Cathedral Street to get ahead of them, and apprize the Reformers ; before we arrived at the eleventh ward polls, a portion of the party had gotten there ; they came in squads, each squad causing a commotion, and being quelled as they arrived until the great body of them came up, when the commotion became very general ; Dr. Robinson, as I was informed, was at this time addressing the crowd, but being at too great a distance to recognize the speaker, or to hear what he was saying (for I was at the corner of Lerew's Alley and Madison Street), I cannot say positively who was speaking or what he said ; at that moment while I was standing there, on the outskirts of the crowd, the outskirts became alarmed by the noise and commotion going on, and Mr. Turner and I retreated up Lerew's Alley ; after going about fifty feet, we observed in front us, two men in the centre of the alley ; men of rough appearance, with muskets or large guns, each having one, levelled at us ; we thought it more prudent to return and face the crowd, from which we were retreating ; we then returned to Madison Street, and in a few minutes, observed the Reformers retire in a body from the polls ; the crowd which we followed from Charles Street up towards the eleventh ward polls, numbered about one hundred.

Question. Were you at the twentieth ward polls on November 2d, 1859, and how long did you remain there ?

Answer. I arrived there at about half-past nine o'clock, A. M. and remained there until nearly eleven o'clock, A. M.

Question. Whilst you were there, was there free access for every voter, to the judges' window ?

Question. Anything but free access ; every voter that I observed, who was known to be a Reform voter, had great difficulty

in getting to the window ; I myself made three efforts, getting near the window the third time, whilst a fight was going on ; I offered my ticket three times, calling out my name, and no notice was taken of me by the judges, I then stepped out into the middle of the street ; while trying to get up to the window during these efforts, the fists of at least a dozen men were brandished about my head and in front of my face, accompanied with cries of " Oh ! you Natives, and oh ! you Plugs ;" and everything was done, as it were, to provoke me to some resistance, except actual striking of me. In a few moments I observed Mr. Philip A. Ball, a tobacco commission merchant, coming out from the crowd at the window, with several in pursuit of him, among the number Alick Levy. Mr. William Mann, I observed at the same time in the crowd with his nose bleeding ; a police officer at this moment took hold of Levy, when Levy swore that he would not be arrested ; the police officer replied, " I don't intend to arrest you, Alick, I only want to talk to you a little ;" Levy then released himself from the officer's hold, and again attacked Mr. Ball, together with three or four others, in the presence of this officer. Two or three officers then took hold of Mr. Ball, with a view, I presume, of taking him off ; whilst they were holding him, he was several times struck by the parties attacking him, and I finally succeeded in getting him off in custody of an officer ; Mr. Ball was one of the Reformers. The officer seemed determined to take Mr. Ball to the station-house, when Mr. Levy, the father of Alick Levy, said he would testify to his son's having struck Mr. Ball first ; when the officer was induced to let Mr. Ball go ; during the time that I was there, I saw at least a half a dozen gentlemen of the Reform party with bloody noses and mouths ; on my return to the polls, I found that the Know-Nothing party had a private side gangway, through which they carried their own men up to the window to vote ; the main gangway, by which I mean the straight one up to the window, being kept block up, and by which, I found, access to the window was impossible ; I then proceeded up through their private gangway, at great risk as I considered, and deposited my ballot ; before leaving the polls, I told a number of the Reformers, that it would be useless to make any effort, there being so decided a manifestation on the part of the Know-Nothings not to let the Reformers vote.

Question. Was this obstruction of the approach to the polls, the evident result of concerted action on the part of rowdies connected with the Know-Nothing or American party, who were not themselves at the time attempting to vote ?

Answer. It was.

Question. Were the assaults made upon Reformers which you have described, in every instance made without provocation ?

Answer. I cannot say.

*Cross-examination.*

Question. Did you vote, and how long did it take you to do so?

Answer. The time consumed in endeavoring to vote was about an hour; I did vote, as I have stated.

Question. Were any of your personal acquaintances, who made persistent efforts to vote, prevented from so doing?

Answer. Some of them were.

Question. How many?

Answer. I can speak positively for three at the twentieth ward polls.

Question. Do you personally know that any illegal votes were received at the twentieth ward by the judges?

Answer. I do not.

Question. Please state whether you saw any person injured at the eleventh ward polls, or in its vicinity, whilst you were there?

Answer. I did not.

Question. Did you see any illegal votes cast at the eleventh ward?

Answer. I did not, being no nearer than on the opposite side of the street.

Question. When you saw the body of Reformers retiring from the eleventh ward polls, please state how many were in that body, as near as you can do so?

Answer. Being at that time at the corner of Howard and Madison Streets, as accurately as I can judge, I should say, there were about one hundred and fifty to two hundred.

Question. How many of the other party were there together remaining at and about the polls, as near as you can estimate?

Answer. I should judge about one hundred and fifty.

Question. Was any violence offered to the Reformers so retiring?

Answer. None that I saw, being at the distance of about two hundred and fifty to three hundred feet, from where the polls were.

BALTIMORE, December 20th, 1859.

J. E. MONTELL.

Test—DANIEL E. MYERS, J. P.

PETER G. SAUERWEIN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Are you a merchant, doing business on Howard Street, in the city of Baltimore, and were you, on November 2d, 1859, a legal voter of the twelfth ward?

Answer. I do business as a merchant on Howard Street, and was on that day a legal voter of the twelfth ward.

Question. Were you at the polls of that ward on that day ; if so, at what time did you go, and how long did you remain ?

Answer. I went to the polls at about nine o'clock, A. M., before the polls opened, and remained there until a short time before they closed, with intervals of a few minutes' absence during the day ?

Question. Did you see any obstruction or interference with legal voters, in their exercise of the right of suffrage ; if so, state the character and extent of such interference or obstruction ?

Answer. The polls were obstructed nearly the whole day, by persons in the interest of the "American" party ; almost immediately after the opening of the polls, a man named Boyle, a nominee by the American party for the City Council, and some others, took virtual possession of the polls, and behaved in a violent and outrageous manner, threatening the judges, &c. ; I supposed there would be no voting that day in consequence of their action, but a police officer by the name of George H. E. Bailey, declared his intention to see fair voting ; he succeeded in quelling the tumult, to some extent, with a great deal of difficulty ; he was much resisted by Boyle and his associates ; Bailey remained at the polls for about two hours ; he was constantly opposed whilst there, by persons in the interest of the American party, and was compelled to use strong means to enable legal voters, whom the other party did not like, to get in their votes ; I am satisfied, that without his instrumentality, there would have been no possibility of any considerable number of persons desiring to vote the Reform ticket, getting in their votes ; I saw challengers of the American party leave the window repeatedly, and go down into the crowd and strike persons who were coming up to vote ; after Bailey was withdrawn, I am satisfied that no person at all voted, except by the sufferance of rowdies professing to belong to the American party, except during short intervals, particularly about dinner time ; foreigners were excluded before they came near the polls ; men whom I know to be blackguards kept both sides of what should have been a gangway, and closed up immediately on the approach of any voter whom they did not like ; sometimes they would back up against the window, and in other ways, too numerous to mention, they kept legal voters back ; early in the day, when I saw a man struck and kicked, I crossed over the street to a number of policemen standing there, and requested their interference ; they said they had orders to arrest no one without particular orders from their sergeant ; I asked where he was ; he was pointed out to me at a distant corner ; I, with several other gentlemen, went to him, and made a statement of the difficulties at the polls, and asked for his interference ; he said his instructions were, not to be at the polls, to keep away from the polls ; I and the others offered to make

affidavit to the fact of men being beaten for attempting to vote ; he said he would not arrest any man on the affidavit of the best man in the city of Baltimore ; he also refused to come near the polls when requested to do so, and I saw no more of him ; later in the day, Mr. Coleman Yellott (one of the candidates), after voting, went to a group of policemen who were standing some distance from the polls ; I approached and said to Mr. Yellott ; that those policemen were neglecting their duties by remaining absent from the polls, while so much violence was being practised : he replied, no, they did no more than their duty, that by act of Assembly the military were forbidden from approaching the polls on election day, under a heavy penalty, and he saw no difference between the military and the police ; John Gambrill was flourishing an awl in the presence of the judges.

Question. What threats, if any, were made against the judges ?

Answer. I was not near enough at times to hear threats, but I saw Boyle thrust his body partly into the window, and flourish his fists at the judges, cursing and swearing violently, but I do not remember the words used ; they amounted, however, to his swearing that every American citizen should vote ; the occasion, I believe, was that of the judges having required some man offering to vote to swear to some point, which he was unwilling to do.

Question. What occurred which induced you to leave the polls ?

Answer. I left the polls about dusk, say a little after five o'clock, I had been acting as challenger for some time ; the voters coming up at the time were strangers to me generally, and I finally pursued the course of challenging them all, and upon being challenged, the votes of all were rejected by the judges, with one or two exceptions—for instance, the voters would state their residence within the ward, and when the judges offered to swear them and ask them questions, they backed down and would not swear, saying, if they had to swear they wouldn't vote ; at last, a broad-shouldered fellow, whom I understood afterwards to be Dan. Ulrick, rushed up and backed me away from the window ; considerable tumult ensued, and I found myself on the outside of the crowd, somehow or other, for I do not know how I got there ; I saw Henry P. Brooks, who had been challenger most of the day on the part of the Reformers, in the middle of this crowd of violent men, and as I thought in great danger of his life ; I also observed Mr. Yellott standing near me, and begged him to try to save Brooks's life ; just then a man was aiming a blow at Brooks with a heavy club. Mr. Yellott arrested the blow ; some of the rowdies told me I had stayed long enough and I had better go home, and I departed.

Question. Please name any of those you saw struck during the day in their efforts to vote.

Answer. I do not know the names of many of the persons I saw struck ; some of them are familiar to me by sight ; I saw Hausenwald struck.

Question. How many persons did you see struck at those polls whilst attempting to vote?

Answer. I will say half a dozen by direct blows; my post was close to the challenger, holding him up as it were, which made it difficult for me to see blows actually struck.

*Cross-examination.*

Question. Did you vote?

Answer. Yes.

Question. The Reform candidate received in the twelfth ward ninety-two majority, did you regard the election there as a farce?

Answer. It was so far a farce, that but for intimidation and violence, I believe the majority would have been at least three hundred; at the municipal election the majority for the Reform candidate was nearly three hundred, although there was also then a good deal of violence and intimidation practised by the American party.

Question. Which of your personal acquaintances, after persistent efforts to do so, were prevented from voting?

Answer. I have but few personal acquaintances residents of the ward in which, indeed, I barely had a vote, on account of my brief residence; I cannot say that any of my personal acquaintances, after persistent efforts, were prevented from voting, under my observation.

Question. Have you a personal knowledge that the judges received any illegal votes; if so, give the names and residences of such voters?

Answer. Of my own knowledge I cannot say that the judges received any illegal vote that I know to be such.

Question. Did the judges of election, in your opinion, behave properly?

Answer. Mr. Baker and Mr. Gorsuch did; in my opinion Mr. Bond did not.

*Examination closed.*

BALTIMORE, December 20th, 1859.

Correct.

PETER G. SAUERWEIN.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 21, 1859.

BALTIMORE, December 21, 1859.

WILLIAM CANBY, a witness of lawful age, produced on the part of the contestants, being duly affirmed, deposes and says:—

*Examination in chief.*

Question. Were you, on November 2d, 1859, a merchant and legal voter of the eleventh ward of the city of Baltimore?

Answer. I was.

Question. Did you see any illegal voting in the eleventh ward on that day; if so, please state the circumstances of such voting?

Answer. I went up to vote at about two o'clock, P. M., on that day, and when I got to the corner of Park and Monument Streets, I was told by some of my friends that the Reformers had left the polls; I then passed round the corner opposite the polls, and stood there a short time; I saw a youth of not more than fifteen or sixteen years of age apparently, go up and vote; I also went again to the eleventh ward polls at about half-past four o'clock, P. M.; as I got to the corner of Eutaw and Madison Streets, I observed two men coming up Madison Street from the direction of the polls; they went into a narrow alley leading from Eutaw to Garden Streets, near Madison Street; I was at that time about opposite the alley, and as I passed it I looked down it, and saw them changing coats and hats; I then crossed Eutaw Street and went down toward the polls; they followed pretty close behind me; I walked down pretty briskly, and took my station opposite the polls, determined to watch them; when they got to the polls, some parties there furnished them with tickets, and the two walked up and voted, one after the other; I saw one of them vote again within five minutes afterward, without his having left the polls; shortly afterward they both went up Madison Street together; I then left the polls, as it was getting late; the polls, at the time I was there, seemed to be in the possession of a set of men who were very noisy and boisterous, and I saw none offer to vote except persons apparently of their class.

*Cross-examination.*

Question. Did you vote?

Answer. No.

Question. Why did you not vote?

Answer. I was told, as I have stated, that the Reformers had left the polls at the time I was going up to vote, and I was then advised by Dr. Robinson not to make the attempt, and also I was so advised by others; after seeing them, and from what I saw at the polls myself, I did not think it safe to make the attempt.

Question. Did you start from your place of business with the intention to vote, and was it through the persuasion and solicitation of Reformers that you abstained from voting on November 2d, 1859?

Answer. In the morning between nine and ten o'clock, and then again at two o'clock, I left my store with the intention of voting; the first time there were so many at the polls that I had not the time to wait, and I determined to go away and return on my way home to dinner; the second time the reason I did not vote, I was first advised not to make the attempt, as I have stated, and then after I got opposite the polls and saw what was going on, I was not disposed to take the risk; the Reformers had left the polls, and they were then in possession of disorderly men, and I did not consider it safe to make the attempt.

Question. Please state whether you saw any acts of violence at the poll whilst you stood opposite and saw the two men vote, as you have described, and during the five minutes that you remained there and saw one of these men repeat his vote?

Answer. The third time I went up to the poll there was fighting near the window, and two of the parties that were led out of the crowd that seemed disposed to fight, when brought out were not so much disposed to do so.

Question. Did you see any blows struck while this fighting was going on; if so, how many blows did you see struck, how long did the fight last, and between how many persons was it?

Answer. I cannot say positively how many blows were struck; these two men, who were drunk were fighting near the window, were led out of the crowd, and after awhile one of them was led away by the police, who did not interfere while the fight was going on; the fight did not actually last a minute.

Question. After the tussel between these two drunken men had been quieted, was there violence; if so, of what kind?

Answer. No, sir; nothing more than a good deal of noise, cries of "Oh you Black Snakes," &c.; there was no actual fighting.

Question. How long did you remain after one of these men was led off by the police?

Answer. I do not think that I remained there more than five to ten minutes; I was there altogether about half an hour.

Question. During that half hour how many voters deposited their ballots, and state whether any of them were interrupted or molested, whether the poll was not free and open?

Answer. I could not say how many ballots were deposited, my attention was not immediately directed to the window the whole time; the voting was not very brisk; the polls did not appear to be blocked at any time while I was there, except during the fight, then there were a great many persons around the window; I saw no one interrupted or molested at that time.

Question. Can you state of your own knowledge what ballot

the boy and the two men who changed their clothes in your sight voted?

Answer. I cannot.

Question. Can you of your own knowledge state of which ward these men were residents?

Answer. I cannot.

Question. If you had made a persistent effort to vote at the eleventh ward polls during the half hour you were there, could you not have got your ballot deposited with the judges, judging from the ease and facility with which you saw votes deposited?

Answer. I do not think that I could have voted peaceably any other than an open American ticket, judging from what I saw; at least I should not have liked to try it.

Question. Did all the parties whom you saw vote, vote open tickets?

Answer. I do not know; I was not near enough to distinguish anything about their tickets.

Question. What distance were you from the youth or person of youthful appearance, whom you have described as voting?

Answer. I was close to the curbstone, directly opposite the polls, about sixty feet distant.

Question. Were not the judges of election the proper parties to decide upon the sufficiency of this elector's qualification to vote?

Answer. I cannot answer this question, it is to be presumed that they were.

*Examination closed.*

BALTIMORE, December 21, 1859.

Correct.

WILLIAM CANBY.

Test—DANIEL E. MYERS, J. P.

ROBERT HENRY CUSHING, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, a resident and legal voter of the thirteenth ward?

Answer. I was.

Question. Where were the polls of that ward held on that day?

Answer. In Sharp Street, corner of German Street, the north-west corner.

Question. Were you at the polls that day; if so, how long?

Answer. I went there about nine o'clock, A. M., and remained until one o'clock, P. M.

Question. Was there any obstacle to a full, fair and honest ballot by the voters, if so; what was such obstacle?

Answer. There was; there were several disturbances at the polls during the time I was there, caused principally by non-residents of the ward; during the first disturbance there was an attack made on Dr. Williams by a party, I believe, from the seventeenth ward, hailing as Americans and calling themselves "Eubolts," who beat him severely, and upon his resisting he was arrested by the police on a charge of drawing a weapon, and carried to the station house; this was about ten o'clock, A. M.; another attack was made by a party of about fifteen, whom I did not know, but who, I believe and was informed, were from Washington; Mr. Bean objecting to one of their votes, was struck in the face, cut, and compelled to go home; there was another disturbance by another party, during which one of them drew a weapon, a revolver upon the judge for refusing to take his, American, ballot without swearing him as to his residence in the ward, and threatened to blow the judge's "damned brains out," with other similar expressions; during this row they threatened to beat any Reformer they could find on the ground; during the morning on two different occasions, I saw two men who were coming to the polls knocked down within a half square or less of the polls; one of these men I knew was a German who intended to vote the Reform ticket; they all went off and did not return to my knowledge; at or shortly before one o'clock I was advised by some of my friends to leave the polls, that they had been informed that if I was not taken away from the polls my life would be sacrificed, in consequence of which, and the determination of the other Reformers to leave the polls, I went home and remained there the rest of the day.

Question. Was this violence and obstruction of the polls apparently a casual occurrence, or were the parties acting deliberately in concert, and as if by pre-arranged plan?

Answer. I believe they acted in concert, and by pre-arranged plan.

Question. Were the violence and disorder sufficient to have deterred a man of ordinary courage and firmness, from approaching the polls and attempting to vote?

Answer. At the times to which I refer, in my answer to the fourth question, they were.

Question. Had the American party, or any club or clubs connected with that party, any rooms in the vicinity of, and commanding the polls?

Answer. I only know from popular rumor, not of my own knowledge, that they have such rooms.

*Cross-examination.*

Question. Did you vote, if so, at what hour?

Answer. I did, between the hours of ten and eleven o'clock, A. M.

Question. Which of your personal acquaintances, who made persistent efforts to vote at the thirteenth ward polls, were unable to do so; please give the names of such as you know?

Answer. None of my personal acquaintances.

Question. Were you a member of the Reform organization of the thirteenth ward; if you were, had they meetings prior to November 2d, 1859, and what was the number that attended such meetings?

Answer. I was a member of the thirteenth ward Reform organization, prior to November 2d, 1859; the largest number of persons present at a meeting attended by me, was about seventy; I attended but three of the ward meetings.

Question. If the Reformers abandoned the thirteenth ward poll, please state at what hour they did so, and whether it was done on a concert of action among such Reformers?

Answer. The Reformers did abandon the poll; some of them before one o'clock, the rest of them, some eight or nine, by concerted action, at about one o'clock.

Question. Is the thirteenth ward occupied principally by merchants, manufacturers, and business men; if so, and you know it, please state the general dinner hour of such persons?

Answer. I think it is occupied principally as residences by laboring classes, whose dinner-hour generally, so far as I know it, is about twelve o'clock.

Question. Did the leaders of the Reform party attend the thirteenth ward polls, and counsel and advise the abandonment of it by the Reform party; if so, please state the name or names of such leaders?

Answer. Dr. Robinson did advise the members of the Reform party to retire from the polls, at about twelve o'clock; we did not do so, but upon our own responsibility we remained until about three-quarters of an hour afterwards; believing it to be unsafe for us to remain any longer, we, that is the remaining eight or nine of whom I have spoken, left in consequence of seeing a large crowd of disorderly persons coming up to the polls, with a great deal of noise and tumult, and with the apparent intention of creating disturbance or voting.

Question. Please state, if you have any personal knowledge of the fact, whether any illegal votes were polled at the thirteenth ward?

Answer. I have not personal knowledge on the subject.

Question. As you say in fact, that the violence and disorder at the thirteenth ward polls was sufficient to have deterred men

of ordinary firmness and courage from attempting to vote, do you or not mean to say that the 358 men who voted for McKim, at those polls, were men of more than ordinary firmness and courage?

Answer. I do not mean to state any such fact, but that there were intervals between the several disturbances to which I have referred, to allow votes for Mr. McKim to be deposited.

Question. If at such intervals there had been more Reformers on the ground, could they not have voted with the same ease as those that did vote?

Answer. I think that more might have voted, if present at such intervals; during the time I was there, the voting was very constant; I should suppose near 500 votes were polled during those three hours.

Question. Was the voting at the thirteenth ward polls, during the time you were there, as steady and brisk as usual on elections?

Answer. I am unable to answer the question, not having experience in such matters at past elections.

BALTIMORE, December 21, 1859.

Correct.

ROBERT H. CUSHING.

Test—DANIEL E. MYERS, J. P.

JOSEPH H. BEAN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the thirteenth ward of the city of Baltimore?

Answer. I was.

Question. Were you at those polls on that day; if so, how long?

Answer. I went there a few minutes before nine o'clock, A. M., and remained there until about eleven o'clock.

Question. Was there any obstacle to a full, fair, and free ballot by the voters of that ward?

Answer. Before the polls opened, the American party took both sides of the window; I asked them to give us, the Reformers, one side of the window, that it was nothing more than fair and honest; I was asked by one of them "if I had called him a thief?" I said to him that I had said it was but fair and honest that we should have one side of the window, and I appealed to the judges to allow us to have one side, and was answered by them, that they, the judges, had nothing to do with what was outside. The American party kept both sides of the window all

the time I was at the polls; at about half-past ten o'clock (up to which time the voting was pretty steady, and during which, several crowds came up from other wards, or strangers, not residents of the ward at least, came up and offered to vote, but on my challenging their votes they were mostly rejected), about ten or a dozen men came up to vote, cursing and swearing; a man named Watts, who lives on Conway Street west of Eutaw Street, which is not in the thirteenth ward, was brought up by this crowd two or three times to vote; I objected to his vote; the crowd wanted me to swear that Watts lived in the ward, but I refused and challenged his vote, and he was each time rejected; I was then attacked and struck several times in the face, and pushed out into the street; my hat was knocked off and stamped and kicked about the street; after that there was no more challenging done that I know of, nor did any of the Reformers stand near the window; I saw several persons struck; among them Dr. Williams, and another person whose name I did not know; I saw one man, named Thomas Graham, who was attempting to approach the window, backed out of the crowd by a man named Robinson, and others of a club which meets at a house opposite where the polls are held; I was told by the owner of the house that he had rented them a room, and I have often seen them going in and out of the house; I had voted, and been beaten, so I determined to go home; I heard the parties who came up to vote, and were rejected, threaten the judges, calling them "sons of bitches," threatening to pull them out of the window, &c.

Question. Did you give any provocation whatever for the assault upon you?

Answer. I did not.

### *Cross-examination.*

Question. Please state how long it took you to get in your vote?

Answer. But a few minutes, as I voted early, before the crowd commenced.

Question. Was there any obstacle to your voting save the crowd then present?

Answer. There was none.

Question. Which of your personal acquaintances were prevented from voting at the thirteenth ward polls, after persistent efforts so to do?

Answer. I do not know of any.

Question. Was there a barricade there?

Answer. No.

Question. Was the obstacle to a fair and free poll other than the presence at the polls of a crowd?

Answer. The obstacle was the presence of a crowd of persons

belonging to clubs, mostly not residents of the ward, who took possession of the window, and interfered with voters' approach to the window.

Question. Have you a personal knowledge of illegal voting at the thirteen ward?

Answer. I saw persons vote, whom, from their personal appearance, I judged to be under age.

Question. Have you a personal knowledge that the persons so voting were not of full age?

Answer. I have not.

Question. Have you a personal knowledge as to the names voted by them upon their ballot?

Answer. I have not.

Question. State the number of persons knocked down or struck at the thirteenth ward polls that you yourself saw?

Answer. Four or five, I saw myself.

Question. Were there intervals in the voting at the thirteenth ward, or was there a steady stream of voters approaching the judges' window?

Answer. Up to half-past ten o'clock, there was steady voting; after that there were intervals during which the window was blocked up.

Question. How long have you been a voter?

Answer. About twenty-five years; I have lived in the city about that long.

Question. Have you seen many elections in times of high political excitement pass by without half a dozen men being struck at the polls of one ward, during the course of two hours in the morning?

Answer. I think I have often seen whole elections, at the thirteenth ward, pass by without a man being struck.

### *Re-examination.*

Question. Have you ever, at any previous election, seen as much violence, assaulting of voters, and disorder, as at the last election?

Answer. I have never seen so much as on that day.

### *Examination closed.*

BALTIMORE, December 21st, 1859.

Correct.

JOSEPH H. BEAN.

Test—DANIEL E. MYERS, J. P.

CHARLES E. PHELPS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the twentieth ward of the city of Baltimore?

Answer. I was.

Question. Were you at the polls of that ward on that day ; if so, how long ?

Answer. I went there at about a quarter before nine o'clock, A. M., and remained there about an hour and a quarter.

Question. Was there any obstacle to a full, fair and honest ballot by the voters ; if so, what was the character and extent of such obstacle ?

Answer. There was a large number of men, apparently acting under a common organization, who, with threats and violence, surrounded the polls, and excluded entirely all except those to whom they chose to allow access ; not being familiar with them I cannot give their names, except of one, "Levy ;" judging from their language and actions, I was convinced that it was impossible for any one to vote, except by their sufferance and permission ; that any attempt to share the polls with them must have been by force of arms ; and that, if they were resisted by proper spirit, the result would have been a bloody riot ; as soon as the polls opened, these men rushed to the window ; I heard one man say something to this effect, "you saw our transparencies last Thursday night, you'll see what you'll catch to-day," accompanied with oaths, which I do not care to repeat ; I heard another say, doubling up his fists, and flourishing them at the Reformers, "we want you to draw to-day, and we'll bring out guns on you ;" these I give as specimens of the language they used ; I saw some half dozen men knocked down and beaten, whom I recognized as Reformers ; some of them savagely beaten, stamped and kicked ; I made no attempt myself to vote until about an hour after the polls opened ; I then approached the window, in company with a man named Churchill ; we went prepared to vote the Reform ticket ; the men around the window prevented our approaching it, although there was no voting going on at the time ; Mr. Churchill was in advance of me, and as he was trying to pass a man directly in front of him, he was struck in the face by a man on his right ; I looked around and saw that we were alone in the crowd, and Mr. Churchill asked me what we should do ; I said there was no use of our doing anything ; that if we voted at all, it would only be by sufferance, and that we should probably receive severe punishment in attempting it ; we withdrew from the crowd ; I was convinced that anything like an election there was impossible ; the Reformers had gene-

rally left, or were leaving, and I went off, too ; I saw several police officers sitting about on the steps, smoking cigars, and apparently amused at what was going on ; I saw one of them attempt to arrest Levy, struggling with him, and Levy said, he'd be damned if he should arrest him, and he was afterwards let go.

Question. Where were the polls held ?

Answer. On Orchard Street, near Pennsylvania Avenue, between the Avenue and a small street called Tessier Street.

Question. Was this obstruction of the polls incidental to and consequent upon the efforts of persons attempting to vote, or was it apparently intentional and concerted to prevent voters from getting to the window ?

Answer. When the polls first opened there was a little rush, perhaps of persons desirous of voting early, but later the polls were obstructed by parties who stood in front of and around the window making no effort themselves to vote, but obviously intending to exclude voters from approaching the window.

Question. Had the parties thus obstructing the poll, complete and exclusive control of the approach to the window ?

Answer. They had ; nobody voted there except by their toleration and permission ; immediately after the polls opened, there was an attempt made on the part of the Reformers to get a challenger at the window ; old Mr. Levy, a Reformer, stood there a few minutes, but finally he had to retire.

### *Cross-examination.*

Question. Do you know the number of the legal voters of the twentieth ward ?

Answer. I do not.

Question. Was there a Reform organization in the twentieth ward ; if so, please state the numbers ?

Answer. There was a Reform organization in twentieth ward ; I think there were some sixty or seventy members.

Question. Please state the number of persons known to you to be legal voters, who after persistent efforts to vote, you saw unable to do so ?

Answer. I can only speak of myself and Mr. Churchill as of my own immediate personal knowledge.

Question. Whilst at the twentieth ward polls, have you a personal knowledge that any of the votes received by the judges were illegal ?

Answer. I cannot say that I have.

Question. Please state the number of persons you saw struck at the twentieth ward ?

Answer. I cannot say exactly, but my impression is that about half a dozen, probably more, certainly not less, were struck during the time I was there, that I saw.

Question. Was there on the part of yourself or Mr. Churchill an appeal to the police or any of them for assistance or aid to reach the window?

Answer. There was not on the part of either of us, for the reason that there was none near enough, and that we did not think it would be of any use.

*Re-examination.*

Question. Did you hear any rallying cries used by the parties around the window?

Answer. They called out "wade in Plugs," &c.

Question. Were these persons residents of the ward, or persons whom you recognized as having seen at previous elections?

Answer. A few of them only I recognized as having seen at the previous elections, or in the city; most of them I had never before seen to my knowledge.

*Cross-examination.*

Question. Can you say as of your own knowledge that any one whom you saw at the twentieth ward polls on November 2d, 1859, was not a legal voter of that ward?

Answer. No, not that I could swear.

*Examination closed.*

BALTIMORE, December 21, 1859.

Correct.

CHAS. E. PHELPS.

Test—DANIEL E. MYERS, J. P.

Dr. ALEXANDER C. ROBINSON, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, a resident and legal voter of the thirteenth ward of the city of Baltimore?

Answer. I was.

Question. At what hour did you go to the polls, and how long did you remain there?

Answer. I went there at a little before ten o'clock, A. M., and remained there about two hours, was there about an hour, and returned, and then remained there about an hour.

Question. Was there any obstacles to a free, full, and fair

ballot by the voters ; if so, please state the character and extent of such obstacle ?

Answer. When I approached the polls I found the window occupied and crowded by a large party, who were turbulent and violent, and who, as I was informed, were principally not residents of the ward ; they attacked Mr. Bean, who was acting as Reformer challenger ; the movement from the window to attack him, cleared the way partially and I got up to the window and voted ; finding Mr. Bean attacked violently and struck, I went among them and appealed to them to desist ; one of them threatened to attack me, but did not do so ; Mr. Bean was then extricated and saved by a police officer named George Robinson, who behaved very well on the occasion ; these men continued there for some time with much violence and turbulence, attempting from time to time to vote ; I was too far off to see whether they voted, but was informed that their votes were rejected by the judges, which seemed to exasperate them very much.

The polls were from time to time impeded by these persons while I was there, and when there was no turbulence, there was that degree of threatened violence exhibited towards those who came up to vote, cursing and swearing at them, which led me to appeal to this policeman, Robinson, to keep the polls clear, and he told me that he could not, that he had done his best ; I asked him if he would authorize me to say to the Mayor that he could not keep the polls clear ; his answer was, " Yes, sir ; " on my way to the Mayor's office I called at Mr. Woodward's counting room, with the view of consulting him as to the best steps to be pursued, when we determined to ask Mr. George Eaton (who being President of the School Board, of which the acting Mayor was a member, would probably have more weight with him than I, a stranger to him) to go to the Mayor ; Mr. Eaton, at our request, called upon the Mayor, and on his return stated that the Mayor professed every willingness to preserve order, and that he would send an additional police force to the ward, if necessary ; on my return to the thirteenth ward polls, I found a very violent party around the polls, when one of them was arrested by policeman Robinson, assisted by one other policeman, and carried off, after which I did not see any policeman about the polls so long as I remained there ; the window was entirely occupied on both sides by those who were said to be of the American party, one of whom attempted to vote and insisted on voting, but was refused by the judges ; and he continued his position at the window, and by offensive remarks and pushing, appeared determined to irritate the gentleman who desired to act as challenger, Dr. Merryman, who was however crowded out, and not allowed to hold his position ; at the same time this party seemed to be very turbulent, uttering oaths and exclamations constantly, trying to provoke some manifestation of discontent or resistance on the part of the Reformers, calling upon them to

draw their weapons, and by pushing against them and saying irritating things to provoke to violence; if at any time a naturalized citizen attempted to vote or got to the window, his right was immediately questioned by those outside, his papers demanded loudly, until on one occasion, I remember, the judges interfered and said they were the persons to be satisfied of the question, when one of the party said he was sent there as challenger, and he would ask the questions he pleased; the judge then told him he would have him arrested, when he defied the judge and said aloud that if they removed him they would have to remove his dead body; one fact that I noticed while at the polls, that even when there was no outbreak of violence, yet such was the intimidation that when naturalized citizens were sworn by the judges as to their residence, they manifested a degree of fear, tremulousness and pallor, which excited my sympathy; between one and two o'clock, finding the entire absence of the police from the polls, and this constant scene of intimidation and violence towards the gentlemen standing around, and hearing that many of the polls in different parts of the city had been for hours taken possession of by the American party, and satisfied that a continuance of the efforts to challenge votes at the polls and to keep an access open for voters would result in additional violence and perhaps bloodshed, while I admired the cool determination of several of the gentlemen, especially Dr. Merryman and Dr. Loughery, who were particularly marked objects of vituperation, I advised our friends to retire from the polls and cease their efforts, which we did, and I did not return there during the day.

Question. Did you advise the friends of the Reform movement at other polls during the day to withdraw from the polls?

Answer. I did, at the eleventh ward.

Question. Why did you so advise them?

Answer. On my way from the thirteenth ward polls (after policeman Robinson had authorized me to say to the Mayor, that he could not keep the polls there open), to report to the Mayor accordingly, I met Mr. Wallis and gentlemen of the tenth ward at the corner of Lexington and St. Paul Streets, slowly retiring to their homes, stating that they had been driven from the tenth ward polls by violence, which they described to me, and that the Mayor had been appealed to, to have order preserved, but ineffectually; this induced me to consult Mr. Woodward, which resulted in our sending Mr. Eaton, as I have stated; and subsequently, while at the thirteenth ward polls, I learned that they were organizing an attack upon the eleventh ward, from the western part of the city, which induced me to visit the eleventh ward, after my friends and myself had retired from the thirteenth ward; when I reached the eleventh ward polls, I found them in the midst of great excitement, and was informed that they had just had a fight, in their efforts to keep the polls clear,

with the opposite party, who were then cursing and swearing, and evidently, doing much to exasperate the gentlemen who were trying to keep the polls clear for both parties. It was then, that satisfied that the effort would result in additional violence and certain bloodshed, if the attack were made on that ward, I urged the Reformers, in the name of the Central Committee, to retire from the polls, which they eventually did in a body, amidst the jeers and execrations of a party, some of whom had been engaged at the thirteenth ward polls, whom I recognized, and who arrived at the polls a short time, apparently, before I did, headed by the very person, who had been most active at the thirteenth ward polls, in creating disturbance there.

*Cross-examination.*

Question. How long have you been a voter in the city of Baltimore?

Answer. Twenty-nine years.

Question. Has it been your custom to stand at the polls on election days?

Answer. It has not.

Question. Has it been your custom immediately after voting to retire from the polls?

Answer. Always.

Question. Did you vote on November 2d, 1859; if so, please state how long you were occupied in so doing?

Answer. I did vote; I was unable to do so very early, until the murderous attack upon Bean, which cleared the window somewhat, and I was enabled to hand my ticket over the heads of several persons to one of the judges; I suppose I was about fifteen minutes engaged in trying to get my vote in, or watching an opportunity when I might safely attempt it.

Question. During the two hours prior to noon, whilst you were at the thirteenth ward polls, please state if there were any assaults other than that upon Joseph H. Bean; if so, how many persons were actually assaulted in your presence?

Answer. There was no personal attack upon any one else, by which I mean, I saw no blows struck, that I saw.

Question. Were you intimidated in your efforts to vote, or while voting?

Answer. Personally, I was not.

Question. How long have you been a voter of the thirteenth ward?

Answer. Since 1856, I think.

Question. Which of your personal acquaintances, after persistent efforts to vote, were prevented from so doing?

Answer. I did not see any, nor have I inquired of any of them.

Question. Were you not a leader in the Reform movement?

Answer. I was a member of the Central Committee for the thirteenth ward.

Question. What provision, if any, was made by the Reform party for the protection of the naturalized voters, at the election of November 2d, 1859?

Answer. There was no special provision made for them, and none other than the presence and countenance of the Reformers to check any violence that might be exhibited towards them.

Question. Did the Reformers of Baltimore, on November 2d, 1859, abandon all effort to elect their ticket, and did they retire from the polls as a body, and, if so, at what hour of the day?

Answer. No, sir; the effort was persistently made in the thirteenth ward until I was satisfied, and other gentlemen present were satisfied, that all further efforts were futile, and when we had heard that many of the polls had been already taken possession of by violence, I deemed it my duty to advise our friends no longer to continue a contest which did not present the ordinary features of an election; several of the Reformers, some seven or eight, withdrew from the thirteenth ward polls at the same time that I did; whether any Reformers remained or returned, I do not know.

Question. At the eleventh ward polls, on November 2d, 1859, did you in a public address, there made, at or about two o'clock, solicit the Reform voters there present not to continue the contest or make solicitations of like purport, and did or not the Reformers in a body thereafter retire from the polls?

Answer. I did publicly, in the name of the Central Committee, solicit them not to continue their efforts to secure an election, on the ground that the various wards of the city had been taken possession of by the opposite party, and their continuance there might result in bloodshed; thereafter, the Reformers did retire from the poll in a body, upon Mr. Gill's stating publicly in an address, that there was no election, that they would have to appeal to the Legislature.

Question. Were you at any of the polls after three o'clock, P. M.?

Answer. I was not out of my house, being confined by sickness.

### *Re-examination.*

Question. When you advised the Reform association, in the thirteenth ward, not to remain any longer in the vicinity of the polls, had the access to the judges' window been already taken forcible possession of by members of the American party?

Answer. There was a squad of men who had possession of the polls, that is, were on both sides of the window, cursing and swearing, and defying the Reformers, so that I was satisfied no

Reformer could make the attempt to vote, certainly no naturalized voter, without risking his life; there were no policemen present, that I saw, at the time we retired.

Question. When you advised the Reform Association of the eleventh ward to retire from those polls, and abandon the contest, is it your opinion, from what you there saw, that their further presence at the polls would have been followed by an attack upon them, and did you consider the contest to which you referred as being a contest of physical force, as distinguished from the ordinary contest of an election?

Answer. Before going there I heard, from satisfactory authority, that an attack upon the eleventh ward was being organized in other parts of the town, and I did regard the contest then going on, as one of physical force, rather than the ordinary contest of an election.

*Examination concluded.*

BALTIMORE, December 21, 1859.

ALEX. C. ROBINSON.

Test—DANIEL E. MYERS, J. P.

Dr. JOHN B. WILLIAMS, a witness of lawful age, produced on the part of the contestants, having duly affirmed, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, a resident and legal voter of the thirteenth ward of the city of Baltimore?

Answer. I was.

Question. Were you at the polls of that ward on that day, and how long did you remain there?

Answer. I went there about ten o'clock, and remained there until about a quarter past ten o'clock, A.M.

Question. Were you assaulted there, and if so, under what circumstances?

Answer. Immediately after depositing my vote, a band of disorderly men came up German Street and endeavored to take possession of the polls; they made use of such expressions, as "Wade in, Little Fellows! clear the damned Reformers from the polls! wade in, Natives!" and acted in the most disorderly manner; I was standing with my hands in my pockets, and without uttering a single word on my part, I received a violent blow on the temple, my arms were immediately pinioned behind me, and I was assaulted by several persons, who struck me blows on the face; I struggled into the street, when two policemen seized me, and said that I must go with them; I asked what I was arrested for, when we got to Baltimore Street; the policemen replied that

they did not know, but were ordered to arrest me ; I was taken down to the station house and placed in a vile hole, where I remained for upwards of an hour, when I was bailed out by one of my friends ; on appearing before the magistrate the following Monday, no one was there to make any charge against me.

*Cross-examination.*

Question. Had you any difficulty in voting ?

Answer. No, sir.

Question. Have you a personal knowledge of any illegal votes having been cast at the thirteenth ward polls on that day ?

Answer. I have no such personal knowledge.

Question. Were any of your personal acquaintances prevented from voting at the thirteenth ward polls ? if so, please mention their names.

Answer. Dr. Charles H. Moore was prevented from voting, and his coat was cut through with a knife ; no others to my knowledge.

Question. Do you know of any one else having been assaulted beside yourself and Dr. Moore, at the thirteenth ward polls ?

Answer. I know of no others.

Question. How long have you been a voter of the thirteenth ward, and of the city of Baltimore ?

Answer. I have lived here five years, am a naturalized citizen, and only voted at the two last elections.

*Re-examination.*

Question. Did you see any person or persons assaulted at any other polls on that day ?

Answer. At the ninth ward polls, at about half-past nine o'clock, A.M., I saw a man assaulted by a gang of rowdies around the window, and he was treated pretty much as I was, arrested by the police, and carried off ; the man was attempting to vote at the time, and was first struck by a man in a soldier's cap.

*Examination concluded.*

BALTIMORE, December 21, 1859.

Correct.

JOHN B. WILLIAMS, M.D.

Test—DANIEL E. MYERS, J. P.

LAWRENCE SANGSTON, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you, on November 2d, 1859, at the fourteenth ward polls in the city of Baltimore? If so, please state what you observed there?

Answer. I passed by the fourteenth ward polls at about half-past nine o'clock, A.M., in one of the city passenger railway cars; I was sitting on the rear seat of the car, and when within fifty yards of the place of holding the polls I looked in the direction of the polls; everything was apparently quiet, which excited my surprise; when the car had reached a point nearly or immediately facing the window (my attention was still fixed upon the window), I heard the sharp crack of a pistol, and instantly I saw a man fall into the gutter; eight or ten pistol shots followed in rapid succession; I immediately rose from my seat and went out on the rear platform of the car; about twenty feet from where I stood and within the same distance from the pavement where the crowd was, I saw a man fire his pistol five times into the crowd on the pavement, apparently from his manner of firing selecting each time a different object; the car at that moment had nearly stopped, owing, as I supposed at the time, to the steep grade of the street, but I subsequently ascertained that the stoppage arose from one of the horses being shot; I remained on the platform of the car until it reached the top of the hill, when I got off and assisted one of the parties who was shot into a shop, and had a carriage sent for, in which he went home; his name was Stiles; he lives in South Howard Street; he had four balls in him; the man who fired the five times that I have mentioned, was Gregory Barrett, who at the time held an office in the Maryland Penitentiary; I did not see his full face, but recognized him as well as I could at the distance of twenty feet, from a view of his side face and his general outlines; he was connected with the American party.

*Cross-examination.*

Question. Was the man you saw fall in the gutter at the first discharge of the pistol, the same whom you have mentioned as Mr. Stiles.

Answer. No, sir.

Question. Who was the party you first saw fall?

Answer. He is known as "Sonny White."

Question. Do you know who fired at him?

Answer. I do not know.

Question. What were his politics?

Answer. He was an American, and a member of the "*Rip Rap*" club.

Question. Was this man, "Sonny White," engaged in any disturbance?

Answer. I do not know.

Question. Did you vote at the election of November 2d, 1859, without difficulty or delay?

Answer. I voted with great difficulty in the eighteenth ward, in which I reside; I went to the eighteenth ward polls fifteen minutes before nine o'clock, A. M.; I found the polls in possession of a large body of men and half-grown boys; I immediately commenced making my way to the window, in order to be as close as possible when the polls were opened; when the polls opened at nine o'clock I was within five feet of the window, and after ten minutes' hard struggle succeeded in reaching it, and then voted, and left the polls immediately on getting out of the crowd.

#### *Re-examination.*

Question. Was the access to the window of the eighteenth ward polls free and open to all voters while you were there?

Answer. No, sir.

Question. In whose possession were those polls at the time you offered to vote?

Answer. In the possession of a large crowd of men and half-grown boys connected with the American party.

Question. Was there a manifest effort on the part of the persons in possession of the access to the window, to prevent persons of the Reform party from reaching the window, and in what way was this done?

Answer. There was such effort, and it was manifested in various ways, by crowding out from the window, those who held Reform tickets, or were supposed to be Reformers, by threatening language and actual violence to such as were not near the window.

#### *Cross-examination.*

Question. How long were you at those polls after the window was opened?

Answer. About fifteen minutes.

Question. How many did you see struck there?

Answer. Just as I left, there were about a dozen beating one man, and before that a similar crowd had beaten another one.

#### *Examination concluded.*

BALTIMORE, December 21st, 1859.

Correct.

LAWRENCE SANGSTON.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 22, 1859.

THURSDAY, December 22d, 1859.

HENRY W. MACCUBBIN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the sixteenth ward, of the city of Baltimore?

Answer. I was.

Question. Were you at the polls of that ward, on that day; if so, at what hour did you go, and how long did you remain there?

Answer. I went there at about eleven o'clock, A. M., and remained there about half an hour.

Question. Was there any obstacle to a free, full and fair ballot by the voters, while you were there; if so, what was the character and extent of such obstacle?

Answer. The window was obstructed by some eight to a dozen riotous persons, who were holloing, pushing, crowding, cursing and swearing, and trying to intimidate and obstruct persons who were endeavoring to vote.

Question. Was the obstruction caused by these persons incident to an effort to vote on their part, or for what purpose was it?

Answer. They were not trying to vote themselves, but were endeavoring to prevent others, whom they thought opposed to their views?

Question. Were you at the polls of the fourteenth ward on that day?

Answer. I was, at about ten o'clock, A. M., perhaps earlier, I do not know exactly the hour, somewhere between nine and ten o'clock.

Question. State what you saw there?

Answer. I was on the opposite side of the street, and heard the report of firearms, I saw a man fall on the pavement with his head towards the street, dead apparently; I then walked up to a window on the second story; I saw one man shoot at young Mr. Starr, twice, he was struck both times; several others were shooting pistols at the same time; I then walked down, across the street, down to the corner of Green and Baltimore Streets,

while there I saw a man pass up Baltimore Street, with a rifle in his hand; he was going towards the polls; he walked up to within twenty feet of the polls and I followed him; a police officer walked up to him, and told him not to bring that there, and to walk around with him; they walked away together, toward the station-house, in a few minutes after the man returned alone, without any arms that I could see.

Question. While this firing was going on, or at any time while you were there, did the police attempt to stop the firing or to arrest anybody engaged in it?

Answer. They did not, that I saw.

Question. Were any officers present?

Answer. They were passing backwards and forwards constantly, while I was there.

Question. To what political party did the persons creating the riot appear to belong?

Answer. They were a very rough looking set of men, but I cannot say to what party they belonged.

### *Cross-examination.*

Question. Did you vote?

Answer. I did not.

Question. What persistent efforts did you make to vote?

Answer. I did not make any; when I got to the polls I met the clerk of election outside in the street, and he told me the judge was coming out, and I did not think it worth while to make the attempt.

Question. Did a crowd of eight to a dozen persons at the sixteenth ward polls that you have described, beat or strike any one whilst you were there?

Answer. No, sir.

Question. If this crowd tried to intimidate any one while you were there, please state who it was, if you know their names?

Answer. I do not know the names of any persons, but I saw several try to get up to vote, who were pushed and crowded away.

Question. State how many persons you saw there hustled away?

Answer. I saw two or three during the few minutes I was at the polls; all that tried to vote.

Question. Did you know such persons who were so hustled away, to be legal voters of the sixteenth ward?

Answer. I did not.

Question. The man that you saw apparently killed, did you know him or his politics?

Answer. I did not.

### *Examination concluded.*

BALTIMORE, December 22, 1859.

H. W. MACCUBBIN.

Test—DANIEL E. MYERS, J. P.

EDWARD COCKEY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the first ward of the city of Baltimore?

Answer. I was, and I have lived there about twenty months.

Question. Were you on that day, assaulted while attempting to vote and prevented from voting?

Answer. I was.

Question. Please state the circumstances of such assault?

Answer. About ten o'clock I presented myself in front of the window to vote; there was a large crowd immediately that got in front of me and commenced jumping up and digging their elbows into my sides; I was working my way up to the window, and a man by the name of Job Hogg, who was very noisy, stood in front of me; some of the crowd said, "here comes Mr. Cockey, let him vote, he's a good voter," and Hogg said "I'll be damned if he or any other Reformer shall vote here to-day;" I pressed hard for two or three minutes, and I appealed to them and said, "gentlemen, if you don't intend that I shall vote, I'll go out;" some of them said, "you shan't vote," and I then backed out; after I got out into the street, these fellows who prevented me from voting held a sort of consultation about the window, and then Hogg came out to me and observed, "if you want to vote, you shall vote;" in consultation with two or three of my friends, I determined to try it again; I did so, and the same sort of scene was again enacted, and I concluded it was nothing but a ruse to get me up into the crowd for the purpose of beating me; as I was working my way up the second time, John Windsor, a lamplighter, one of Mayor Swann's appointees, was carrying on a species of telegraphing or signals with a police officer, and I saw the police officer make to him a sign, with his arm, indicating that he should stick or stab me; suspecting his intention, I watched Windsor; he came towards me, the crowd separating to let him pass; he passed around me, and when he got to my left, he stuck me in the leg, about the thigh, with what I thought to be an awl, but I have since thought it must have been a knife; I turned to him and said to him, "you have stabbed me, you scoundrel, I won't try to vote any more, for I am satisfied that you mean to kill me;" I could not get nearer than ten feet from the window at any time, and called to the

judges to take my vote, which I could have pitched to them, but they did not seem disposed to take it; I then went home, and did not return again to the polls.

Question. Did your two sons vote?

Answer. No, sir; one was present at the time I was struck, and I advised both of them not to make the attempt, after the way in which I had been treated; they and myself would have voted the Reform ticket; I have had the two men, Hogg and Windsor, indicted, and the indictment is now pending.

*Examination closed.*

BALTIMORE, December 22, 1859.

Correct.

EDWARD COCKEY.

Test—DANIEL E. MYERS, J. P.

PATRICK RIAEL, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, a resident and legal naturalized voter of the fourteenth ward of the city of Baltimore; and if so, how long have you been voting in that ward?

Answer. I was, and I have voted in that ward for twelve years.

Question. Did you go to the polls of that ward on the morning of that day; and if so, at what hour?

Answer. I did, at between nine and ten o'clock, A. M.

Question. Did you at that time succeed in voting; if not, why not?

Answer. I did not; there was a crowd around the window, formed in a ring, who pushed me out three or four times, as often as I tried it; I was knocked down by a blow on my head, I then gave it up and went home.

Question. Did you make any subsequent effort to vote; if so, at what hour?

Answer. I did; between three and four o'clock, P. M.

Question. Did you vote at that time?

Answer. I had to vote.

Question. What ticket did you vote, and under what circumstances?

Answer. There was a young man with me, and as soon as we got to the polls, three or four of the crowd attacked him and beat him out into the street, and I thought while they were

beating him, as the window was a little clear, I would get my vote in; Sylvester Clifford, who keeps a lottery office in Saratoga Street, who was standing at the window, with three or four others, caught hold of me, and handed me a ticket, shoved it into my hand, and told me if I didn't vote that ticket they would kill me; I went up and put in the ticket, and they told me to go home, and I went off; I had a Reform ticket in my hand when I went up, which I had intended to vote; Clifford and the others took hold of me right close up to the window, within sight and hearing of the judges, one of whom was right at the window at the time, and Clifford had hold of my collar when I put in the ticket.

*Cross-examination.*

Question. Where did you live at that time?

Answer. No. 200 Lexington Street.

Question. Could you not have voted the Reform ticket you had in your hand, or told the judges you had been threatened?

Answer. I was afraid to vote my own ticket under the circumstances.

BALTIMORE, December 22, 1859.

Correct.

PATRICK <sup>his</sup> ~~X~~ RIAEL.  
mark.

Test—DANIEL E. MYERS, J. P.

DR. H. WILLIS BAXLEY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, at the polls of the fourteenth ward, how often during the day, at what hour, and what did you there witness?

Answer. I live in the fourteenth ward, and voted on November 2d, 1859, immediately upon the opening of the polls with considerable difficulty, owing to the press and crowding; I was satisfied from the circumstances attending my voting, that it was the deliberate design of persons there to create difficulty and prevent free access to the polls, in consequence of which, as soon as I had voted, I left the premises; on my way home, recollecting that I had a patient at the Gen. Wayne Inn, diagonally opposite to the fourteenth ward polls, and some sixty or seventy yards distant, I returned to see the patient, and when about to enter the front door, I looked in the direction of the polls, and observing a surge of the crowd backward from the polls, I

stopped, under the impression that trouble was about to ensue; almost instantly there was a discharge of firearms, and in rapid succession, some thirty or forty discharges; at the commencement of these I observed a man fall from the curbstone to the gutter, as if shot; the crowd scattered in different directions, so that I could recognize individuals; I at once saw Gregory Barrett, a man known to me as Gregory Barrett at least, in the act of firing a revolver; I saw him fire three times, one of his shots taking effect in Daniel Duffy, another in Mr. Stiles; I did not recognize the third person he shot at; immediately upon discharging the third barrel of his pistol, as witnessed by me, a police officer approached him, whom Gregory Barrett took by the lapel of his coat, and pointing with his pistol towards the house into which Duffy had escaped, they both went in the direction of the house; at the door, and before entering, something was said by the police officer to Barrett, my distance prevented me from hearing what passed, but I presumed it to be a direction to put up his pistol, as he instantly put it away underneath the skirt of his coat; a few moments elapsed, when they came out of the house together, and passed in the direction of the polls, followed at a short distance by another police officer, whose number was 223; perceiving that Barrett was not in custody, but that the police officers were acting apparently in complicity with him, I crossed the street, and said to No. 223, that it must be apparent to him that Barrett was armed and attempting to take human life, and that it was his duty to take him into custody immediately, upon which he looked me sternly in the face and replied: "You be damned, attend to your own business;" my professional attendance was forthwith called to several persons who had been wounded in the affray, and I ceased to take any further personal interest in the matter at the time; I did not return to the polls until about between three and four o'clock, P. M., when I went into the neighborhood on a professional visit, and finding that the Reformers had retired from the polls, and were standing nearly a square distant, inquired why it was, and was informed that it was worth as much as a man's life to stand at the polls with Reform tickets, and that no Reformer of the fourteenth ward dared to do it; I did not choose that the declaration should be made with truth, so long as I resided in the fourteenth ward, and taking some tickets, I went to the polls to solicit votes for the first time in my life; I was met rudely by two or three persons on the pavement, and asked if I intended to vote that ticket; I replied that I had voted it already, and regretted that I could not legally vote it again, but I hoped to be able to induce some one to vote it before I left; whereupon a laugh of derision, accompanied by profane denunciation of the Reformers, clearly satisfied me that no one of less nerve than myself would dare to undertake it; failing in my purpose, after remaining from fifteen minutes to half an hour, and after a

manifestation of my rights as a freeman, I left to attend to the discharge of my professional duties; whilst I was at the polls, the crowd called out that no man should vote the Reform ticket.

Question. Did you attend Duffy?

Answer. I did, at the Western District Station-house, to which he was taken; he had received two pistol shots in the right leg, causing severe wounds, from which he is still confined to the house.

Question. Did you attend any others who were then injured?

Answer. I did attend Mr. Stiles, who was wounded by four balls, his wounds being of a dangerous character, but he has now a prospect of recovery; I also attended Mr. Henry Starr, who was shot in the right leg with two balls, he is now recovering; I likewise saw James Johnson, or "Sonny White," who was shot in the right eye, the ball penetrating the brain, from which he died in the course of the day.

*Cross-examination.*

Question. Do you know the politics of the man who was killed outright, named "Sonny White?"

Answer. I do not.

Question. Do you know whether the killing of the man known as "Sonny White" led to the firing by Barrett?

Answer. The distance at which I was from the scene of difficulty at the outbreak of the affray, forbade my knowing anything of the particulars attendant on its immediate origin.

Question. Had you heard reports of firearms before you saw Barrett shoot?

Answer. Yes, I did not see Barrett shoot until the crowd began to scatter.

Question. Is your testimony in reference to the shooting heard and witnessed by you at the fourteenth ward polls, to be understood as this, that all the shooting was upon the side of the American party?

Answer. I did not see any one shoot except Gregory Barrett?

Question. As you were standing at the General Wayne Inn, in front of it, on the step, porch, or platform, about five feet from the ground, was your position so commanding a one as to enable you to take in the whole scene being enacted in front of the judges' window?

Answer. I do not think I could have been possibly better situated for observing accurately.

Question. Was not the first person you saw shot the individual designated as Johnson, or "Sonny White," that is to say, was he not the first person you saw fall after the report of firearms?

Answer. He was the first person I saw fall after the discharge of firearms.

Question. Was not the killing or shooting of "Sonny White" the commencement of the scene witnessed by you after the surging of the crowd back from the window, which attracted your attention?

Answer. The separation or opening of the crowd upon its swell out from the window revealed the fall of White from the curb into the gutter—this was the first thing I saw after the crowd opened.

*Re-examination.*

Question. Did you hear more than one discharge before you saw White fall?

Answer. I heard several discharges, all in the crowd.

BALTIMORE, December 22d, 1859.

H. W. BAXLEY.

Test—DANIEL E. MYERS, J. P.

CHARLES D. HINKS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the fourteenth ward of the city of Baltimore?

Answer. I was.

Question. Did you go to the polls of that ward on that day; if so, at what hour did you go, and how long did you remain there?

Answer. I went there at about half-past eight o'clock, A. M., and remained there until near noon.

Question. Was there any obstacle to a free, full, and fair expression of the will of the voters of that ward on that day; if so, what was the character and extent of such obstacle?

Answer. There was undue and unnecessary crowding on the part of the Rip Raps, an American club, who collected around the window at the opening of the poll; there was much threatening language used by them, of a character calculated to intimidate voters of the Reform ticket; very soon the same parties threw themselves into a threatening and fighting attitude, with the evident design of alarming and keeping away Reform voters, pushing and crowding; shortly after the polls opened, say in about half an hour, there was a discharge of firearms in the crowd, and I saw a man who, I understood, was called "Sonny

White," fall mortally wounded; the firing was very rapid, and the crowd scattered; I saw Gregory Barrett draw his pistol and fire five times, but being intently engaged watching him, I did not see at whom his pistol was pointed; after he had discharged all the barrels of his pistol, he called for rifles; he and some of his party raved like madmen, swearing that they would kill the Reformers, and I heard McGonnigan, one of the Rip Raps, swear that no Reformer should vote, except over his dead body; this he said with horrid oaths and imprecations, which I do not care to repeat in giving testimony; immediately after, I saw a voter endeavor to vote; whilst he was showing his papers, McGonnigan struck him, several of his party also struck and kicked him, when Capt. Brown, of the police, arrested McGonnigan and took him to the station house, but in five minutes he had returned to the polls, and behaved with as great violence as ever; when Barrett commenced his threatening behavior, before the firing, I seized him and called on Sergeant Hough to arrest him; I demanded his arrest because he was interfering with voters and disturbing the peace; Sergeant Hough refused to arrest him; from that time until I left, the polls were in possession of the parties I have mentioned, and it was scarcely, if at all, possible for any man to vote who did not vote the American ticket.

Question. From what you witnessed at the polls, is it and was it your judgment, that any attempt on the part of the Reform Association to keep the poll open and protect voters would have brought on riot and bloodshed?

Answer. It would; if there had been a sufficient number of Reformers on the ground, we might have kept the polls open, but the number on the ground was not strong enough to oppose them successfully.

Question. Had there been a sufficient number of Reformers on the ground, what would, in your opinion, have been necessary to have an open poll?

Answer. We should have been obliged to take violent possession; they were prepared for violence, and it would have been necessary to meet them on their own terms.

### *Cross-examination.*

Question. How long have you been a voter of the fourteenth ward?

Answer. I have been voting in the same ward, which was formerly the twelfth ward, about twenty-one years.

Question. What is the number of voters in that ward?

Answer. I think about eight hundred.

Question. Were you a member of the Reform organization of that ward?

Answer. There was no regular organization in the ward; we

attempted one, but the voters came to the meetings in such limited numbers, that we failed to complete it.

Question. Was any one struck previous to "Sonny White" being shot, to your knowledge?

Answer. I saw no one struck.

Question. Were any Reform voters, that you know as such, excluded from the polls or prevented from voting, before such occurrence?

Answer. None violently, though I think some were by intimidation.

Question. How many were so intimidated that you know to be legal voters?

Answer. I cannot specify any.

Question. Up to the time of your leaving the polls, about noon, were there any illegal votes cast, that you knew to be such?

Answer. I do not know that there were any.

Question. Was there in the city of Baltimore, on November 2d, 1859, an organized political party, known as the Reformers, having for its object the defeat, if possible, of the American ticket?

Answer. There was a political party, very imperfectly organized, with the design to elect its own ticket.

Question. Did the leaders and adherents of such Reform party make persistent and continuous efforts for the success of its ticket, from the opening of the polls until the closing of them.

Answer. They did not, so far as I know.

Question. So far as regards your own knowledge, if the Reformers retired from the contest, and abandoned the polls, or any of them, please state in which of the said wards and at what hour they so abandoned them and retired from the contest?

Answer. I know personally of nothing that transpired in any ward but the fourteenth; they gave up the contest there about noon.

Question. Do you know the political party of which "Sonny White" was an adherent?

Answer. Of the American party, and a member of the "Rip Rap" club.

Question. So far as you observed, was he not the first man hurt or injured at the fourteenth ward polls?

Answer. So far as I know he was.

Question. Is your evidence in chief, touching the firing at the fourteenth ward polls, to be understood as fastening upon the American party the sole and exclusive use of firearms?

Answer. Both parties used firearms.

Question. Both parties having used firearms at the fourteenth ward polls, one person having been killed and several seriously wounded, are you to be understood as deposing to this state of facts, viz. : that in such affray, the Reformers being defeated and

overpowered, thereupon abandoned and retired from the contest, in consequence of the superior physical strength of the American party then and there present?

Answer. At the time of this affray, there were not many persons present, say about a hundred, perhaps equal numbers of both parties; after the affray, the Reformers being driven away who had engaged in the affray, others coming up singly, or in small numbers, were intimidated by the reports of the affray, and the exhibition at the window, some by the language used toward them personally, or the cries and noise, and they were afraid as a general thing, to make the effort to vote.

Question. So far as you had opportunity of judging, from your observation at the fourteenth ward polls, did the Reformers make a persistent effort and a continuous struggle to get to the judges window, with a view to deposit their ballots?

Answer. Generally they did not, some did.

Question. Those who made such efforts, were they or not, successful?

Answer. I am unable to say whether they voted or not; I was not near enough to see; I saw one man beat at the window.

Question. So far as your own observation extended, did you or not, attribute the defeat of the Reform ticket in the fourteenth ward, to the indisposition on the part of the Reformers to encounter the risk of ill-treatment whilst attempting to vote, and that in consequence of such threatening aspect of affairs, they would not go near the polls?

Answer. Yes, sir.

Question. Did you vote; if so, how long did it take you so to do?

Answer. I did vote; was in the crowd about five minutes; I voted early.

Question. If any of your personal acquaintances, legal voters of the fourteenth ward, did not vote, please state the causes, so far as you are aware of them, and give the names of such persons?

Answer. Several persons have spoken to me of not having voted, who were intimidated; amongst them my brother, Samuel Hinks, and others whose names I do not now recollect; I should not think that more than a half a dozen have spoken to me personally.

### *Re-examination.*

Question. From your observation of the condition of the polls, after the "Rip Raps" took possession of them, is it your opinion that any Reform voter seeking to approach the window, run a great risk of being beaten or otherwise maltreated?

Answer. That is my opinion.

Question. At the Municipal election, in October, 1859, was the Reform candidate for the City Council elected?

Answer. He was.

*Cross-examination.*

Question. How many persons in all, did you observe at the polls to have been ill-treated in attempting to vote?

Answer. I saw but one man actually beaten.

Question. During the three hours of the morning that you were at the poll, was your position such as to enable you to see what transpired in and about the window, while the voting went on?

Answer. It was, during most of the time.

BALTIMORE, December 22, 1859.

CHARLES D. HINKS.

Test—DANIEL E. MYERS, J. P.

The contestants now file with me a paper writing, purporting to be an additional list of witnesses, herewith returned, marked "Contestants' Exhibit D."

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### CONTESTANTS' EXHIBIT D.

*State of Maryland, City of Baltimore, Sect. :*

To Charles L. Krafft, Thomas Booze, Robert L. Seth, William A. Wisong, George R. Berry, F. C. Crowley, R. A. McAllister, Thos. M. Smith, Robert Turner, and Marcus Denison :

GENTLEMEN: In addition to the witnesses whose names were heretofore furnished you, I hereby notify you that the persons whose names are hereto subjoined are to be examined under and in pursuance of the notice heretofore given you by Adam Denmead, E. Wyatt Blanchard, Francis B. Lony, Hugh A. Cooper, Isaac S. George, John J. Graves, Henry Stockbridge, John F. Meredith, William Colton and William F. Burns, contestants of your seats in the House of Delegates of the State of Maryland; and I notify and require you to attend in person or by attorney, and cross-examine said witnesses as required by said former notice, to which this is a supplement; none of them, however, to be examined before the 31st day of December, 1859.

Witness my hand and seal this 21st day of December, 1859.  
 DANIEL E. MYERS, J. P. [SEAL.]

## ADDITIONAL WITNESSES

TO BE EXAMINED, REFERRED TO IN THE FOREGOING NOTICE.

E. Beatty Graff,	Charles Brautigan,	Henry Bastian,
James P. Thomas,	Conrad Weiss,	James Mott,
Miss Judith Chiffelle,	John Kloppmann,	Edward B. Dallam,
John Hunter,	John W. Baker,	Allen Upton,
James A. Malloy,	Peter Gardner,	Edward Turner,
Charles B. Malloy,	John Kitzius,	Rev. R. L. Dashiell.
James H. Stone,		

*State of Maryland, City of Baltimore, Sct. :*

On this 22d day of December, 1859, before me, a Justice of the Peace of the State of Maryland in and for the city of Baltimore, appeared John B. Ray, and being duly sworn, said that on the 21st day of December, 1859, he delivered a copy in writing of the foregoing notice and list of witnesses to John H. Ing, the duly authorized attorney of the claimants, and who was at the time of such delivery engaged in cross-examining the witnesses produced on the part of the contestants at the office of Daniel E. Myers, Esq., No. 28 St. Paul Street in the city of Baltimore.

JOHN B. RAY.

Subscribed and sworn before me,

DANIEL E. MYERS, J. P.

Adjourned to December 23, 1859.

BALTIMORE, December 23, 1859.

THOMAS MCGLANNAN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you a legal voter in, and resident of the fourteenth ward of the city of Baltimore on November 2d, 1859 ?

Answer. I was.

Question. How near to the place where the polls of that ward were held do you reside and do business ?

Answer. On the same street, directly opposite the polls.

Question. Where did you spend the day of that election ?

Answer. After voting I was in my house during the day, upstairs in the third story, and I was looking out at the polls, some dozen times or more during the day.

Question. Were there any circumstances attending the election, as observed by you, which might reasonably have intimidated men of ordinary courage and firmness, and deter them from attempting to vote ; if so, what were they ?

Answer. At about half-past nine o'clock, I went to vote, and succeeded ; the first thing that I saw which drew my attention as an infringement on men's rights, and an insult, was Greg. Barrett going to a gentleman, leaning on his shoulder, and puffing cigar smoke into his face ; I judged it to be an insult, for I went to the gentleman, whose name was S. A. Joyce, and asked him if he knew the man who had taken such liberties with him ; Joyce observed he did not know who it was ; I told him it was Greg. Barrett, I felt it my duty to notify him of the man ; Joyce voted and then left ; I had got over to my place of business when the shooting commenced ; who commenced the firing I do not know ; I saw Barrett fire several times, and a man named Zimmerman exchanged shots with him ; there were a good many other shots fired, but I saw only the two firing that I have named ; the alarm was very great, so much so, that some hands who were at work in my cellar ran off, and would not come back during the day ; there was a pretty large number of Reformers in the neighborhood, perhaps more of them than of the other party ; a short time after the shooting, Barrett and McGonigan left, and after awhile a crowd of the " Little Fellows " came to the polls shouting " oh, you Little Fellows," and offering twenty dollars for any damned Reformer ; I saw Barrett shake his fist in Mr. Hinks's face ; afterwards I saw the judge hand a piece of paper, which I took to be a commitment, to a police officer, who went off with Barrett, who was apparently in custody, and a few minutes after Barrett came back ; he was scarcely gone long enough to have been as far as the station house ; I saw several men offer to vote, but when the judge handed them the book, they would not take the oath ; I saw Barrett and McGonigan, attack, strike, and kick, and drive from the polls a man named Hickman ; another man, I saw kicked and pushed into the street, his hat knocked off, and after awhile two men in passing him knocked him down, after which the man went off without again attempting to vote ; there was an old gentleman, who was beaten on the curb-stone ; for my own part I would not have attempted to vote after ten o'clock, though I consider myself as sensitive to my rights as another man, and I thought that Dr. Baxley and other gentlemen did wrong in standing there, so far as their per-

sonal safety was concerned, exposing themselves to the violence of a crowd of men who seem to care for neither God nor man.

Question. Was there at any time subsequent to ten o'clock, A. M., a free, open, and safe approach to the polls?

Answer. Any one might have got up that felt safe to try it, that is, the access was not actually blocked up, the crowd was exceedingly small, not more than ten or twenty, except when the "Little Fellows" and other crowds came up,—which they did from time to time during the day; I did not see any Reformer, whom I knew to be such, attempt to vote after ten o'clock, and I do not think any Reformer could have voted after that hour without great personal risk.

Question. Did you see the judges or police threatened by the crowd?

Answer. I saw Capt. Brown, of the police, attempt to interfere with the crowd during some of their proceedings, and I heard one of the crowd say, "knock the son of a bitch's head off," and other threatening language used, and then the crowd began to gather round him, and he backed out into the street and went away; this was about eleven o'clock, or at least before noon.

### *Cross-examination.*

Question. Please state how long it took you to get your vote in the ballot-box, from the time you left your house with the intention to vote?

Answer. Not over a quarter of an hour; there were several persons who voted about the same time.

Question. State what obstacle you encountered, if any, in voting, and by whom and how you were intimidated, if at all, in voting?

Answer. I had no obstacle to prevent me from voting, nor was I intimidated in attempting to vote.

Question. Please state the names and residences of those of your personal acquaintances in that ward, who, after persistent efforts to vote, were unable to do so?

Answer. There were two persons; one named Hickman, and another of whom I have spoken, as kicked and pushed into the street, and afterwards knocked down, whom, however, I do not know personally, but only by name or sight.

Question. Are there any persons, whom you know to be legal voters of the fourteenth ward, but with whom you are not personally acquainted, that were unable to vote after making persistent efforts so to do? If so, how many?

Answer. No, sir; I paid very little attention to the voting.

Question. State whether the polls were kept open from nine o'clock to six o'clock, P. M., for the reception of votes?

Answer. The judges shut the windows down more than once;

during rows or affrays, once during the shooting, again when Capt. Brown was threatened, and when no Reformers were present, that I saw.

Question. Please to state whether there were any illegal votes received at the fourteenth ward polls, which you have personal knowledge were such? If so, please specify them?

Answer. Of my own knowledge I could not specify any.

Question. Have you a personal knowledge that any of the Reform voters of the fourteenth ward, that you knew to be such, were prevented from voting? If so, please give their names and residences?

Answer. I could only specify Mr. Hickman, whom I suppose to be opposed to the American party.

Question. How many years have you been a voter in the fourteenth ward?

Answer. I have been voting in the same ward about eighteen years.

Question. At the time of the shooting, what was the number of Reformers present, as compared with their opponents?

Answer. There was, at the commencement of the affray, I should suppose, four Reformers present to one of the Know-Nothings, but in a little while after, say ten minutes, the "Little Fellows" came, and I should have thought it worse than madness for gentlemen to oppose themselves to such men; after the "Little Fellows" came up, the Americans were largely in the ascendent; I should suppose there were some sixty of them.

Question. Please say how many persons you saw struck or violently assaulted, during the entire day?

Answer. Of my own knowledge, I could only say that I saw two men struck; this was before eleven o'clock, possibly before ten o'clock.

Question. After ten o'clock, please state whether you frequently looked toward the poll, opposite your house?

Answer. I may have looked out from the windows some dozen times, and not more than five minutes each time.

*Examination closed.*

BALTIMORE, December 22, 1859.

Correct.

THOMAS McGLANNAN.

Test—DANIEL E. MYERS, J. P.

ERNST W. BRIDING, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the fifteenth ward of the city of Baltimore?

Answer. I was.

Question. Did you go to the fifteenth ward polls to vote; if so, with whom?

Answer. I did, with Robert Stewart, my father-in-law, who is sixty-three or sixty-four years of age.

Question. State all that occurred in connection with your efforts to vote?

Answer. When I heard of Mr. Kyle's death I determined not risk my life in attempting to vote, not being a politician, or feeling any great interest in the matter of politics; but between ten and eleven o'clock I met a man who told me all was peaceable, and my father-in-law confirmed the statement by telling me he had heard the same, and we determined then to go and vote; we proceeded to Light Street; at the southwest corner of Hill and Light Streets, I saw some five or six policemen standing, some of them smoking cigars; I concluded from that it must be peaceable at the polls, and turned round the corner towards the window, and found only ten or twelve persons, mostly young men, some of them not of age apparently, standing round the window; I went up and offered my vote, calling out my name at the same time; there was a hesitation on the part of the judges to receive my vote, until some one behind me called out, "Oh! Briding is all right;" the judges then received my vote, and I came out from the window, and my father-in-law stepped up to vote; he got to the window, but before the judges took his vote, which they could have done, if willing, the men standing round the window began to turn and twist until they got him out from the window; he not deeming it an attempt to prevent him from voting, went up a second time, when he was again pushed out; he went in the third time and held his ballot inside the window, when one of the party standing round the window asked him to show his ticket, he refused to do so, and it was snatched from his hand and opened, and finding it a Reform ticket, it was torn up, and he was assaulted by blows, kicks, and an awl being stuck in him; the man who took his ticket said to another of the crowd with an oath, "You told me that it was all right, do you call this all right?" I ran over to where the police were standing, and requested them to interfere; one of them answered they saw nothing to interfere with; I went back, and just before I reached my father-in-law, who was standing on the curb, somewhat bewildered by the treatment he had received, a fellow ran

up and struck him a violent blow in the face with brass knuckles; in the meantime Mr. George C. Addison had driven up and voted; I pointed out to him the man who had struck Mr. Stewart, and asked him to notice that there was the man who had struck Mr. Stewart, and to notice that he had still the brass knuckles on his hand; Mr. Addison advised me to put my father-in-law in his carriage, and get him home out of the way as quickly as possible, which I did, and told the boy to drive as fast as possible up Hill Street; seeing, however, that there was still a disposition to attack him, I went again to the police, and asked them to protect my father-in-law in getting away; they gave me no answer, but turned their backs on me; and seeing that the boy got frightened and jumped out of the carriage, I ran across and jumped into the carriage, taking the reins from one of the crowd, and succeeded in driving off.

Question. Do I understand you to say that your father-in-law was three times sufficiently near to the judges of election for them to have received his ballot?

Answer. Yes, sir; he had his hand inside the window each time.

Question. Did the judges of election make any effort to restrain the parties who assaulted your father-in-law, or to have them arrested?

Answer. Not to my knowledge.

### *Cross-examination.*

Question. How long were you at the polls?

Answer. Not more than fifteen to twenty minutes.

Question. Was any one else assaulted except Mr. Stewart?

Answer. Not that I saw.

Question. Did you see any one offer to vote, except your father-in-law and Mr. Addison?

Answer. I did not.

### *Examination closed.*

BALTIMORE, December 23, 1859.

E. W. BRIDING.

Test—DANIEL E. MYERS, J. P.

JOHN PRINTY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. How near do you live to where the polls of the 15th ward were held on November 2d, 1859?

Answer. The houses adjoin each other; I live on the corner of Light and Hill Streets, and the polls were held in the adjoining house.

Question. Did you see any persons assaulted and driven away from the polls; if so, by whom?

Answer. I saw Mr. Moore, the druggist, driven off by two or three, and struck at; one of those who assaulted him was Augustus Ford; this was done in the presence of the police officers; Ford lives in the 17th ward, but I do not know whether he belongs to the "Eubolts" or the "Tigers;" the officers did not make any attempt to protect Moore, or to arrest his assailants, but only walked along slowly after them.

Question. Did you see any firearms brought out near the polls?

Answer. Yes, sir; there was a shot fired in the neighborhood of the seventeenth ward in the afternoon, somewhere near four o'clock, and the party at the polls of the fifteenth ward rushed into the private door of the house in which these polls were held, and brought out four muskets and a rifle or shot gun, and ran up in the direction of the shot.

Question. Did the police attempt to take away the muskets?

Answer. I did not see any police at that time, but the police met one of the party coming back, and they did not make any attempt to take the musket which he had.

Question. Did you see any person assaulted besides Mr. Moore?

Answer. I saw them trying to make an old German man go up to vote; he would not, and then they shoved him away, and he fell over the curbstone.

Question. Are you a legal voter in that ward?

Answer. Yes; I have lived in that house fourteen years and a half.

Question. Are you a naturalized voter?

Answer. I am.

Question. Did you vote; if not, why not?

Answer. I did not, nor did I make the attempt; for I did not think it would be safe for me to do so.

*Cross-examination.*

Question. Do you know the man who was described by you as an old German?

Answer. I do not.

Question. Did you make any effort to vote?

Answer. I did not.

Question. Were you about the polls all day?

Answer. No, sir; I did not go out of the house at all, except to go to the door, after the shooting before nine o'clock.

Question. You saw but two persons assaulted; neither of these were beaten, were they?

Answer. I do not know that they were struck; but I saw Moore backing away from them while they were striking at him.

*Examination closed.*

BALTIMORE, December 23, 1859.

JOHN PRINTY.

Test—DANIEL E. MYERS, J. P.

GEORGE H. KYLE, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the fifteenth ward of the city of Baltimore?

Answer. I was.

Question. Did you go to the polls of that ward on that day; if so, at what hour; how long did you remain there, and what occurred while you were there?

Answer. I went to the polls at half-past eight o'clock A. M., and was within two feet of the window; remained there about five minutes, with my brother; I had a bundle of tickets under my arm, and one man walked up to me, and asked me what it was that I had; I told him tickets; he made a snatch at them, and I avoided him and turned round; as I turned, I heard my brother say, "I am struck, George!" at the same time I saw my brother raise his stick, and strike at some one; the same, I suppose, that had struck him; at that moment, I was struck from behind a severe blow on the back of the head, which would have knocked me down, but the crowd which had gathered around us, some thirty or forty in a cluster, was so dense, that I was, as it were, kept up; after I received this blow, I drew a dirk-knife,

which I had in my pocket, with which I endeavored to strike the man, who, as I supposed, had struck me; I then felt a pistol placed right close to my head, so that I felt the cold steel upon my forehead; at that moment, I made a little motion of my head, which caused the shot of the pistol to glance from my head; my hat showed afterwards the mark of a bullet, which I supposed to have been from that shot; the discharge of the pistol, which blew off a large piece of the skin of my forehead, and covered my face with blood, caused me to fall; when I arose I saw my brother in the middle of the street, about ten feet from me, surrounded by a crowd, who were striking at him, and firing pistols all around him; he was knocked down twice, and at one time while he was down, I saw two men jump on his body and kick him; he had no other weapon in his hand than his stick; in the meantime, I drew my pistol, and fired into the crowd, which was immediately in front of me, every man of whom seemed to have a pistol in his hand, and was firing as rapidly as he could; in this crowd there were fully from forty to fifty persons; I saw at the second story windows of the Watchman Engine-house building, in which the polls were held, cut-off muskets, or large pistols, protruding, and observed smoke issuing from the muzzles, as though they were being fired at me; I then turned towards my brother, and endeavored to get to him; when within a few feet of him, I saw him fall, placing his hand on his groin as if badly hurt; at the same moment, a shot struck me in the shoulder, which went through my arm, and penetrated into my breast; from the direction the ball took, I am satisfied that the shot was fired from the second story of the engine-house; when I got up, my brother was still lying on the ground immediately opposite the door of the house into which he afterwards managed to get; I supposed that he was dead, and transferred my pistol from my right hand, which was disabled, to my left hand, and holding it in front of me, backed down towards Lee Street, the crowd following me; as I backed in that way, just, as I got near Lee Street, a fellow ran out with a musket from under a shed, and I pointed my pistol at him, which made him change his position a little; as I continued to back off, a brick struck me in the breast, and I fell; just at that moment the musket was discharged, and the ball whizzed over me as I was falling; while I was so retreating, the crowd were firing at me constantly; when I arose there was no further trouble offered to me, and in a few moments some one came up, with whom I went off; there were seven bullet holes in my coat, and the coat was cut as if by knives in various places; the pantaloons had also the appearance of having been cut by bullets; during all this time I saw no police officers, and it was only when I was on my way home, that an officer came up and asked me my name; my brother died that evening from the effect of injuries received there.

Question. Were your brother and yourself totally alone while this attack was going on?

Answer. We were; we went together and remained together and alone.

BALTIMORE, December 23d, 1859.

Correct.

GEORGE H. KYLE.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 24, 1859.

BALTIMORE, December 24th, 1859.

JOHN H. WOODWARD, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you a resident and legal voter of the sixteenth ward of the city of Baltimore on November 2d, 1859?

Answer. I was.

Question. Did you go to the polls of that ward on that day, if so, at what hour did you go, and how long did you remain there?

Answer. I went there before the polls were opened, and I was there most of the time until about two or three o'clock, P.M.

Question. Was there any obstacle to a full, fair, and free ballot by the voters while you were there, if so, please describe the character and extent of such obstacle?

Answer. When I first arrived there and the window was opened, I saw persons endeavoring to vote, who were pushed out; the American party had possession of the window at the time; Mr. Crangle was one of those thus pushed out; shortly afterwards I saw Th. Woodall knocked down, who, at the time, I believe was endeavoring to vote; as he was in a sitting position, he drew his pistol; the cap exploded; he was then arrested and taken off by a police officer; at the time I saw him (after his being knocked down) he was bleeding very much; he was taken to the station house, and Mr. Wm. T. Brown accompanied him.

Question. At what hour of the day did this occurrence of Mr. Woodall's being knocked down and arrested take place?

Answer. Shortly after nine o'clock, A.M.

Question. Did you see any further disorder or violence, intimidation or interference with voters in their attempt to vote?

Answer. I saw Mr. Frederick Bowers pushed out, and he endeavored several times to vote before he succeeded; I heard a number of persons say they would not attempt to get to the window, as they saw there was no earthly chance for them to get in.

Question. Was the approach to the window equally open and free to the voters of both the contending parties; and if not, by whom was it held, and what distinction was made?

Answer. It was not open to both parties; the distinction was made in favor of the American party, who had control of the access.

### *Cross-examination.*

Question. How long were you at the polls of that ward?

Answer. I went there at a little before nine o'clock and remained there until ten o'clock; was absent about three-quarters of an hour, and returned to the polls and remained there until about one o'clock; was then gone about an hour to my dinner; returned again to the polls and remained there until after three o'clock, P.M.

Question. Please state whether you were badly scared or intimidated before you voted?

Answer. I was not.

Question. Did you vote?

Answer. I did.

Question. Please state the obstacles put in your way in your effort to vote?

Answer. I sought and obtained my vote at the time the crowd followed Woodall.

Question. Please state whether any obstacles were in your way at the time you offered to vote?

Answer. The crowd was pushing at the time, but I went in at the side and handed my ticket over the crowd to the judges, from the side of the window.

Question. Please state how many times you were struck, kicked, knocked down, or stuck with awls, while you were attempting to vote?

Answer. Not at all.

Question. Please state the number of the crowd around the window at the time you voted?

Answer. A portion of the crowd having gone off, at the time Mr. Woodall was arrested, in consequence of a rush being made, I should suppose there were left from fifty to seventy-five.

Question. Did you have to reach over a crowd of seventy-five persons to get in your vote?

Answer. No, sir.

Question. Please state how many persons you had to reach over to get your ballot in?

Answer. I had to reach over the shoulder of one.

Question. How long was it that you were actually engaged in voting, from the time you first made the effort?

Answer. I do not suppose that I was more than five minutes.

Question. State the names of the persons whom you know to be legal voters of the sixteenth ward, whom you saw attempt to vote, and who were unable to do so?

Answer. I saw no person prevented from voting whom I knew of my own knowledge to be legal voters.

Question. How many persons cast illegal votes at the sixteenth ward, that you knew of your own knowledge, and knew at the time to be such?

Answer. I was not near enough to the window to see any votes received by the judges.

Question. Have you a personal knowledge of any illegal voting at the sixteenth ward?

Answer. I decline answering the question, for the reason that it is already fully answered in my answer to the 12th cross-question.

Question. Please state your reason for not giving a direct response to so plain a question, as to whether you have a personal knowledge of any illegal voting at the sixteenth ward; is it no other reason, because you apprehend that, as you must answer it in the negative, such answer may injure the Reform cause before the Legislature?

Answer. My answer is, that my sole reason for not answering is, that I have already stated that I saw no votes at all (excepting always my own) received by the judges, and I have no fear at all as to the effect of such answer upon the Legislature.

Question. Do you mean to declare now, that you will not give a direct response to any question put by the counsel for the Know-Nothings here present, if so, please declare them?

Answer. I will answer any question in reason.

Question. Do you mean to say, that you will constitute yourself the judge of reasonableness, propriety or legality, of any question put to you under this present cross-examination, and that you will answer them only in such manner as suits yourself?

Answer. I do not mean to make myself such judge.

Question. Have you a personal knowledge of any illegal votes being cast at the sixteenth ward, on November 2d, 1859; you are respectfully asked to give a categorical answer to this question; if you decline so to do, give your reasons for so declining?

Answer. As I stated before, I have not, and I have already answered it in a former answer.

Question. Please mention the question and its number in which your answer is, that you have no personal knowledge at the sixteenth ward polls, and let that answer be again recorded here?

Answer. It is the cross-question No. 12, and the answer thereto, in which I have said I was not near enough to the window to see *any votes* received by the judges.

Question. In answer to the fourth question in chief, you say, "I saw persons who were endeavoring to vote, pushed out;" give the number of persons you saw so treated, tell us their names and their residences, and to what political party they belonged; in answering this question confine yourself to your personal knowledge?

Answer. I could not state the number exactly so treated, it was a large number; I should suppose not less than fifty persons altogether, that I saw; this is a loose estimate, as near, however, as I could approximate, when asked to specify some number; I cannot at this time recall the names of such persons, except Mr. Crangle, Mr. Woodall and Mr. Brown; these three whose names I have given, belonged to the Reform Association; I do not of my own knowledge know the politics of the other persons so treated.

Question. With the exception of the three whom you have named, have you a personal knowledge that any you saw so pushed out were legal voters of the sixteenth ward?

Answer. I do not know.

Question. You have said you saw Theodore Woodall knocked down; state whether before you saw him knocked down, or at that time, he had a pistol in his hand?

Answer. I saw him have a pistol in his hand *after* he was knocked down.

Question. Please state whether he had a pistol in his hand at the time he was struck?

Answer. I did not see any.

Question. Did you see his hand at the time he received the blow?

Answer. I did not.

Question. You have said in answer to the sixth question, that the approach to the window was not equally open and free to the voters of both the contending parties; do you mean to say that Reformers were wholly excluded, while you were there, that none were allowed to vote; if so, did this state of affairs continue the whole time you were at the polls?

Answer. I do not mean to say that Reformers were wholly excluded.

Question. Being confined to your own personal knowledge, and to the legal voters of the sixteenth ward, known to you as such, do you depose to the violent exclusion of any voters, besides Mr. Frederick K. Bauers, Mr. Crangle, and Theodore Woodall?

Answer. These are the only ones to whom I am willing to swear, limited as I am, by the strict terms of the question.

Question. Did not these three parties vote during the day?

Answer. I saw Mr. Bauers and Mr. Woodall go up to vote ; whether or not they voted, I cannot say.

Question. Did the Reform judge and clerk retire from these polls ; if so, at what hour ?

Answer. They did ; I saw the judge at about eleven o'clock.

Question. At the time the Reform judge and clerk retired, had there been more than one man knocked down ?

Answer. Not that I know of.

*Examination concluded.*

BALTIMORE, December 24, 1859.

Correct.

JNO. H. WOODWARD.

Test—DANIEL E. MYERS, J. P.

WILLIAM P. MARTIN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you the Reform clerk of election at the sixteenth ward polls on November 2d, 1859 ?

Answer. I was.

Question. Did you leave the room where the ballots were being taken, and retire from the polls ; if so, at what hour and for what reason ?

Answer. I retired from there at about fifteen or twenty minutes after ten o'clock, A. M., and left there because I was requested to do so by the Reform committee, who told me it was useless to remain there any longer, and requested us to resign.

Question. Prior to, and at the time you left, was the access to the polls in the exclusive possession of one political party ; if so, of what party ?

Answer. It was in the exclusive possession of the American party.

Question. Were there any Reform challengers occupying one side of the window at which the ballots were received ?

Answer. No.

Question. How were the representatives of the American party there assembled around the window, conducting themselves, and what was their treatment of voters seeking to approach the window ?

Answer. I was kept very busy recording the names of voters, who came up in quick succession, so that I had not much time to observe individual conduct, but the crowd was noisy in the extreme, outside the window ; I only saw one man, William

Hisey, approaching the window, assaulted, who was pushed away from the window three or four times.

Question. When he was pushed away from the window, at any one of these times, was it within sight of the judges, and was he sufficiently near for them to have taken his ballot?

Answer. It certainly was in sight of the judges, but he was pushed away so very quickly that I do not think the judges could well have received his ballot.

Question. Were there any other cases of obstruction or interference with voters, that you saw?

Answer. I saw Mr. Crangle, as he attempted to hand his ballot to the judges, have his ticket taken from his hand by some one outside; he was pushed out two or three times.

Question. Did the judges make any effort to secure to the persons you have named their right to vote, or to prevent the crowd outside from making noise and obstructing voters?

Answer. No, not that I saw.

### *Cross-examination.*

Question. Was there any scene of actual violence at the sixteenth ward polls at the time the judge and yourself retired?

Answer. No, sir, I cannot say there was.

Question. At quarter past ten, when you left the polls, had there been any discharge of firearms, or any person beaten or knocked down?

Answer. I do not think I heard any discharge of firearms, and as I here stated, from my occupation, I was unable to see whether any person was knocked down.

Question. You have stated that the Reform judge and yourself were requested by the Reform Committee to leave; please state by whom and on whose behalf the request was made?

Answer. The request was made by Mr. Chase and my father, Mr. Wm. C. Martin, on behalf of the Reform Committee of the sixteenth ward.

Question. Was this Reform Committee that you have alluded to, the recognized head of the Reform party in that ward?

Answer. I believe it was.

Question. Was such request made publicly in the hearing of others, and if so, what was the reason alleged for making it?

Answer. In my presence, it was not.

Question. Was this request so made, privately, made or not, so far as regards yourself?

Answer. They called me into an adjoining room and communicated it to me.

Question. Please state the reasons given to you, for the request that you should withdraw?

Answer. They stated, that they thought it useless for us to

remain there, that men were deprived of their votes, and that our remaining there would probably induce men to come up to vote and they would get badly beaten.

Question. Up to the time when you retired, were you not kept continuously busy recording the names of voters; if there were intervals of time when not so engaged, please state the length of such intervals?

Answer. There were intervals, it might have been of half a minute, possibly a minute, during the time.

Question. Do you remember the number of votes taken at the time you left?

Answer. No, sir; I think about two hundred and forty.

Question. Can you state the number of legal voters of that ward?

Answer. I could not possibly.

Question. Please state at what hour the Reform party abandoned the poll, and whether so far as you know they ceased all contest?

Answer. I believe at about half-past ten o'clock, the request was communicated to us<sup>e</sup> to leave, and the statement that the Reformers were going to leave the polls in a body.

Question. You have said in reply to the third question, that the polls were in the exclusive possession of the American party; do you wish to be understood by such answer, as meaning that it was not possible for any person to vote a Reform ticket, and that Reformers were actually excluded from voting or from the approach to the judges' window; if you do not wish to be so understood, please here give in answer to this question, the actual state of affairs as existing under your own observation.

Answer. I mean that the polls were in the exclusive possession of the American party, and that they allowed only such persons to come up to vote as they chose; in some cases they even asked individual Reformers to come up and vote.

Question. Please state who of the Reformers, to your personal knowledge, were excluded from voting?

Answer. I do not know any.

Question. In answering the twelfth cross-question, have you confined yourself to your personal knowledge?

Answer. My information is derived partly from persons with whom I have conversed.

Question. Whilst acting as clerk up to quarter past ten o'clock, A. M., was it possible for you to know what was going on at the poll outside the judges' window, exclusive of the noise and confusion there prevailing, the sounds of which reached you whilst writing?

Answer. In one or two cases it was, because there were little intervals, during which I could see out of the window what was going on.

Question. Up to the time of the Reform judge's retiring, had

there been at the sixteenth ward polls any scene of actual violence; if so, please describe it?

Answer. Not further than I have described, that I know of, personally; some two or three persons struck, pushed, &c.

BALTIMORE, December 24, 1859.

Correct.

WM. P. MARTIN.

Test—DANIEL E. MYERS, J. P.

SAMUEL WHITE, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Did you vote in the sixteenth ward, on November 2d, 1859; if so, under what circumstances?

Answer. I attempted to present myself at the window to vote, and I observed a man, named John Banks, standing at the window, with one hand on the sill, looking steadily at me, and he said, "nary vote, nary time, nary vote, boys;" he then turned his back to me, taking hold of the sill with both hands and commenced backing, still saying, "nary vote," and it was repeated by several of the crowd around, who stamped on my feet, and threw me off from the window; I then appealed to police officer *James Jackson*, if he saw the manner in which I was treated; he said yes, he did, and he was sorry for it; I then told him I was going to try to vote a second time, and asked him if he would give me that protection, in the exercise of my rights, which it was his duty as an officer to give me; he told me no; that if I was his own father, he wouldn't do it; he said, they had been charged with not doing their duty, and that they had determined to take no part in the election then going on; I then stepped out on the curbstone, and I saw an individual there, a man called *Dick Watts*, of the "Thunderbolt Club;" I thanked him for the protection he afforded me in my first effort to vote; I then made the second attempt, the same John Banks repeated the words I have mentioned before, and at this time *Richard Watts* laid his hand on Banks' arm, and told him to move from the window; Banks asked what for, and Watts told him that a gentleman wanted to vote; Banks said, "if you let him vote, I'll be damned if you mayn't let all the Reformers in the ward vote;" I then offered my ticket to the judge (*Wright*), and he charged me with having voted twice; I insisted on being sworn, and he refused to swear me; he then asked the clerk, and I understood the answer to be no, he has not voted; he then appealed to the crowd outside, and they swore by their Maker, that I had voted; in the

confusion and uproar, I left the window, and the judge still had my ticket in his fingers; whether he deposited it in the box or not, I do not know; Watts said to the judge, when the appeal was made to the crowd, that I had not voted.

Question. Did you see any weapons drawn or brandished while at the polls?

Answer. I did; some three minutes before the polls opened, Richard Watts approached the window where the tickets were to be taken with a naked sword in hand; he held it by the hilt, and said that it was a very pretty awl, and if he stuck any of the Reformers with it that day it would cause a very tickling sensation.

Question. Did you see any persons attacked and driven away, in their efforts to vote?

Answer. I did; I saw a gentleman by the name of Ricktor attempt a dozen times to vote, and each time he was driven from the window, between nine and half-past ten o'clock, A. M.; I saw William Hissey pushed out several times, before he got his vote in; his getting his vote in caused a row between the members of the American party; whilst Hissey was attempting to vote, an American named Brown called out that Hissey was his brother-in-law, and should vote, and flourished a pistol; another of the American party opposed it, but he got struck on the head, and Hissey voted; I saw Frederick Bowers badly beaten, and at this time the American party took complete possession of the polls, some twenty of them singing a song they had composed, and making a great deal of noise and confusion; altogether I saw four or five persons struck, and I could not give any idea of the number that were pushed, crowded, &c.; after a while, I heard some of the crowd say, let's go hunt for Reformers, and they started off on the hunt, whereupon I thought it time to leave, and I went off; before going, I saw a young man on the opposite side of the street, struck near the eye, and receive several other blows.

Question. From your observation, could the Reform vote of the sixteenth ward have been polled fully in any other way than by forcibly driving away the party who took possession immediately after the polls opened?

Answer. It could positively not, while I was there.

### *Cross-examination.*

Question. Was the Reform judge present at the time you were at the window?

Answer. I did not see him, but I believe he was there.

Question. Please state the whole number of persons you saw struck at the same time, the time you were at the polls?

Answer. I was at the polls from about ten minutes before nine

o'clock, until nearly eleven o'clock, A. M.; the number of persons I saw struck was about five.

Question. How many Reformers, whom you knew as such, and also knew to be legal voters, did you see excluded and prevented from voting, after persistent efforts?

Answer. I saw but two.

Question. Please state whether there was any Reform organization in the ward, and if so, how many members belonged to it?

Answer. There was only a public call through the newspapers, for all persons of the ward favorable to Reform, to meet at Keystone Hall; some met there, and elected officers; there was a sort of understanding, among a number of them, to go to the polls and occupy one side of the window, and that if any actual violence was perpetrated against us, we would retire from the polls, and advise our friends not to vote.

Question. What was the number of persons who had such understanding?

Answer. At the meeting on the night before the election, the room was full; I should suppose some 250 to 300 were present.

BALTIMORE, December 24, 1859.

Correct.

SAMUEL WHITE.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 26, 1859.

BALTIMORE, December 26, 1859.

JOHN JUSTUS RITZUIS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

Question. Where do you live?

Answer. Lee Street, No. 12.

Question. Are you a German, by birth, and if so, how long have you been in this country?

Answer. I am a German, and have been in this country only since February, 1857.

Question. Did you vote on November 2d, 1859; and if so, under what circumstances?

Answer. Monday morning, about eight or nine o'clock, I was near the sugar-house, where I was at work, and had no work there to do; I therefore went to the State tobacco warehouse, and inquired of a German at work there whether I could get any work; he pointed to a young man in the warehouse, and told me to apply to him, consequently I went to him, and he engaged me to work there at six dollars a week for the whole year; I went to work, and at about eleven o'clock he told me that work would be

stopped at four o'clock, and that we would go to another warehouse on the Point; after awhile he told me to come along with him, and that I might either put on my coat or leave it in the office; three others and myself got into a boat, went over the dock, and then crossed over Union Dock, and so went on to the corner of Wilkes and Caroline Streets; he stood there with us awhile, took me by the arm, and then led me and the two others into the house there to a bar, where we were treated; while I was drinking, another man present in the room said to me, as soon as the work here is done you can go back to the other warehouse; after awhile our conductor came and led us through the back of the house into a court-yard, and then, apparently, through one or two yards, until we came in front of a crowd of men, about five or six, armed with clubs, and guns, and other weapons, standing at a sort of entrance through the fence or partition between two houses; immediately I was pushed from behind, and caught by the arm by one of the crowd, and dragged through the opening; at the same time another German, not one who had accompanied us, was pushed through immediately behind me; the conductor and the two others I saw no more.

After we had been got through the opening into the next house, as I have stated, another man came and led us into a little dark room, where we were kept a few minutes; while we were there, the man with me began to make a noise, trying to break the planks out, &c.; immediately thereupon the door opened, and three or four men appeared, one of whom struck the poor fellow on the head with a club, which felled him to the ground; a second one raised an axe and struck at him through the doorway; seeing the intention of the man, I pushed the door to, so as to intercept the blow, which fell upon the door, beat it back against my mouth and hurt my lips severely; the party then came in and searched us thoroughly, taking everything of any value from us; I had only a small pocket knife, which they took; my companion they made strip, and as he drew off his shoe, his money fell out, a few quarters and some small money; we were left locked in for awhile; then the captain of the coop came, opened the door, and led us down stairs to a small trap-door which led to the cellar; we were put down there, and as we were going down, I in front, my companion was pushed down violently, and falling against me, we both tumbled down into the cellar; here we found ourselves in a dark hole, full of all sorts of men, with but one solitary candle to give us light; there I was kept until Tuesday afternoon, when the captain came down and selected the oldest of us; I was called by name, and led up-stairs to the second story, and put into a large room, which was also full of persons who were similarly cooped; there I was kept until Wednesday morning, the day of the last election; on Wednesday morning, after nine o'clock, we were brought out by threes and fours, and had tickets put into our hands; I examined the tickets

which were given me, and know they were "American" tickets; I recognized them by the names of the candidates, the black stripe down their length, the head of Washington at the top, and the extreme narrowness of the ticket; three others and myself were brought out, and led by the rowdies, holding us by the arm, up to the window of the second ward polls, and voted; we four then were put into a carriage, and driven around through the town, through streets which I did not know, to various polls, and we were voted five or six times; we were then driven to the Holliday Street polls, voted there, and then shut up in the coop there next to the polls, in the cellar; we were then brought up into a room, and ordered by the captain of the coop to change clothes with some seven or eight other cooped individuals, which most of us did, but I retained my own clothes; the captain changed clothes with a German, taking a nice hat and black overcoat in exchange for his cap and coat, which were of little value; we were then voted again at these polls, and then we were led on foot to Baltimore Street, where an omnibus awaited us, and we were packed in till it was full, and driven down to the coop-house at the second ward again; arrived there we voted again at the second ward, and then we were driven around in the omnibus to various polls and voted some six times, until we came to a poll the other side of Ensor Street, where there was a great crowd, hustling and pushing, screaming, &c., in spite of which we were led up by the arm, by the rowdies, through the crowd, and compelled to vote; I was let go, for a moment, while the rowdies who had held me joined in the hustling and pushing, and seeing the chance, I dodged into the crowd and escaped to my home; I voted at least, in the various wards, sixteen times, compelled each time to give a different name; none of the judges said anything to me, or any of us, that I heard, except one judge at the polls near Ensor Street, who asked me how long I had lived in the city; I told him two years; the rowdies behind me said to him, "All right! all right!" and the judge took the ticket without further question; the treatment of some of those in the coop was disgusting and horrible in the extreme; men were beaten, kicked and stamped in the face with heavy boots; in the cellar of the second ward there were about seventy or eighty persons locked up, not allowed to be about for a moment to justify the wants of nature, and in the upper room of which I have spoken, as many more; the three men who were with me voted, each of them, as often as I did.

*Cross-examination.*

Question. Give the names of any of the parties on the tickets which you voted?

Answer. I read Harris on some of them, and Davis on some

of them, and the name of Colson; I do not remember precisely, and Whitney's name was also on them.

Question. Can you read English?

Answer. I can read the English letters, but may not at times understand the connection of words or syllables.

*Examination closed.*

BALTIMORE, December 26, 1859.

JOHANN JUSTUS RITZUAR.

Test—DANIEL E. MYERS, J. P.

GOTTLIEB FREY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you a resident and legal voter of the seventeenth ward of the city of Baltimore on November 2d, 1859?

Answer. Yes; I have been a voter in that ward ever since it has been the seventeenth ward, and I have been a voter in the city for twenty-one years; I was born in 1807, January 1st.

Question. Are you a tax-payer of the city of Baltimore?

Answer. Yes; I pay about \$200 a year for taxes.

Question. Did you vote at the election of November 2d, 1859?

Answer. No, sir; I tried my best to vote, but it was not possible for me to get my vote in.

Question. Please state what occurred when you attempted to vote?

Answer. It was about ten o'clock, A.M., when I went to the polls; I went up to get my vote in, and made two efforts to get to the window; the second time I was knocked down, as soon as I got up from the ground, I was again knocked down, and so for the third time; I then went away and did not return to the polls; I was so badly beaten I could hardly walk, in fact I was put to bed; had two doctors attending me for a week, I couldn't see out of my eyes for two weeks, I was confined to the house; I was not five minutes at the polls altogether; I was stuck too in the legs by a boy about sixteen years, four or five times; he had a stick with an awl at the end of it.

Question. Had you any quarrel or controversy with the parties assaulting you, or did you give them any provocation?

Answer. None, whatever.

Question. Did the police make any attempt to protect you?

Answer. They did not, though I saw several on the ground.

Question. What ticket did you design to vote ?

Answer. The Reform ticket.

BALTIMORE, December 26th 1859.

GOTTLIEB FREY.

Test—DANIEL E. MYERS, J. P.

GEORGE W. REEDER, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you on November 2d, 1859, a resident and legal voter of the seventeenth ward, and of the city of Baltimore ?

Answer. I was.

Question. Were you at the polls of that ward on that day ; if so, at what hour ?

Answer. Shortly after nine o'clock, A.M., I went there, and remained not over five minutes.

Question. State your observation and experience at those polls.

Answer. I went there, and everything seemed very quiet and still. Some of the parties on the pavement near the corner asked me if I wanted a ticket ; I answered that I had a ticket ; seeing persons standing round the window, I concluded that everything was quiet, and voting going on regularly ; I stepped on the pavement, and James Logan, one of the crowd, said, "Boys, shove the rugs !" and then they began pushing against me, and then I was struck in the mouth by one of them, and I called Sergeant Chambers, who was near me to arrest the man that struck me ; his reply was "I'll have to take you along too ;" I said, "Certainly, I'll go too, and appear against the man that hit me ;" Chambers turned his back on me, and I was then knocked down, and did not come to my senses until I was in my house ; I was struck on the temple and both sides of the face, and was lame for several days.

Question. Do you know with what political party, if any, the persons who assaulted you are connected ?

Answer. They were acting for or with the "American" party.

BALTIMORE, December 26, 1859.

Correct.

GEO. W. REEDER.

Test—DANIEL E. MYERS, J. P.

CHARLES EDWARD SWINDELL, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the seventeenth ward of the city of Baltimore?

Answer. I was.

Question. Were you at the polls of that ward on that day; if so, at what hour did you go and how long did you remain there?

Answer. Between nine and ten o'clock, A.M., I went to the polls, and was there and in the vicinity about a quarter of an hour.

Question. State what you saw and experienced.

Answer. When I came within sight of the polls, I saw a crowd around the window; I went up and tried to get to the window, but was crowded and pushed, and I backed up against the wall to avoid being struck from behind; I remained there some few minutes, and then called on J. L. Boyd, candidate for magistrate on the "American" ticket, to assist me in getting in my vote; he told me he would do so, and spoke to the crowd to give way, that here came a good voter; the crowd opened a channel; he walked up in front of me to the window; I handed my ticket to the judge, he then pushed by me, and went off in front of me a few feet; I had walked but three or four steps from the window, when I was struck and knocked down senseless; he picked me up, and told them they had struck the wrong man, they should be more careful whom they struck; one of the crowd picked up my hat and put it on me, led me into the tavern, and put some cold applications to my face; I then went home, escorted by one of their party a part of the way.

Question. What ticket did you vote?

Answer. The American ticket, but much scratched; I held the ticket above my head, showing the heading of it, as a means of protection; I had designed to vote the Reform ticket, but finding that impossible, or at least attended with great personal danger, I voted a ticket with the American heading and the names mostly scratched off; I supposed at the time that the scratching off the names of the American candidates would be equivalent to voting for the Reform candidates, which I wished to do.

Question. Before you were struck, did you see any other persons struck or assaulted in their efforts to vote?

Answer. I saw Mr. Reeder knocked down while attempting to get to the window, and a German who was getting up from the pavement without his hat, but I did not actually see him knocked down.

Question. Had the parties who assaulted you, and the two others whom you have mentioned, complete possession of the polls ?

Answer. They had.

Question. Did the police make any attempt to protect you ?

Answer. None at all.

Question. Did you or these others give any provocation for the assault ?

Answer. None whatever.

BALTIMORE, December 26th, 1859.

Correct.

C. EDWARD SWINDELL.

Test—DANIEL E. MYERS, J. P.

WILLIAM SWINDELL, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you, on November 2d, 1859, a judge of election at the seventeenth ward polls ?

Answer. I was.

Question. Was the access to the judges' window taken possession of by one party ; if so, by what party, and at what hour ?

Answer. It was taken possession of immediately on the opening of the polls, by the American clubs, viz.: the "Tigers" and "Eubolts," and the "Decatur Club."

Question. Did they permit the Reform voters to approach the polls freely and without obstruction ?

Answer. They did not ; I could not see very well out of the window, which was very narrow, and I did not like to risk putting my head outside, but I could see that the access was obstructed by a crowd that allowed access only to such persons as they pleased, to get to the window.

Question. Were you judge of election, in the same ward, at the municipal election in October, 1859 ?

Answer. I was.

Question. Were you threatened by a similar crowd, while engaged in your duties as judge, on that occasion ?

Answer. I was, and it was necessary for a squad of police to escort me home after the close of the polls ; through the day of the municipal election there was the utmost violence ; I was cursed, abused, and threatened to be dragged out of the window ; told to shut my mouth, &c.

Question. Did you attend a meeting of Reformers held in that ward, on or about October 24th, 1859 ?

Answer. I did.

Question. Was any violent demonstration made against the persons at that meeting?

Answer. There was a large crowd on the pavement in front of the hall where the meeting was held, who were noisy and violent, apparently endeavoring to intimidate persons from going in, and after the meeting was organized, the house was stoned, and violent noises and cries made in the street, sufficient to intimidate those who were there; so much so, that the objects of the meeting were frustrated.

Question. Was the place of holding the polls on November 2d, 1859, judiciously selected, in reference to bringing out the full vote of the ward?

Answer. The polls were held in what was considered the headquarters of the "Tiger Club," being the northwest corner of Light and Henrietta Streets, near the northern limits of the ward, and about two squares from the fifteenth ward polls, so that a few persons might, if so disposed, control both polls.

Question. Were any gangs of men brought up to the window, by the parties having control of the window?

Answer. There were such gangs brought up, and the appearance of the men was that of loafers and persons stupefied with liquor, scarcely conscious of what they were doing.

Question. Were there any other votes polled there by persons who, to the best of your knowledge and belief, were not legal voters of that ward?

Answer. To the best of my knowledge and belief, one-third of the votes polled there that day were illegal, and cast by persons who did not live in the ward, and had no right there.

Question. Are there many naturalized voters in that ward?

Answer. Yes, a great many; I should say certainly from 300 to 500; there may be more.

Question. Did the judges receive the ballots of any naturalized voters on November 2d, 1859; if so, how many?

Answer. I could not answer precisely; there were very few such votes received, and those that did vote, seemed to do so under intimidation.

### *Cross-examination.*

Question. Please state whether you stayed till the close of the poll?

Answer. I did; I was afraid to leave.

Question. Did you sign the returns of the election?

Answer. I did sign to the amount of votes received.

Question. Did you annex any protest or qualification to your return as judge?

Answer. I did not, supposing that I should, at some future time, be called on to give a statement of the facts.

Question. Please state what Reform voters, to your know-

ledge, were prevented from approaching the polls, and prevented from voting; please state their names and residences?

Answer. Mr. Gottlieb Frey and Samuel Winter are the only two persons whom I myself saw actually prevented by violence from getting to the window; in fact, I am very near-sighted, and did not put on my spectacles during the day, not thinking it worth while to look out into the street.

Question. Please to state the number of persons in attendance at the meeting of Reformers held at the seventeenth ward on or about October 24th, 1859?

Answer. There was about twenty-five.

Question. Was this a meeting publicly called, and were the usual steps taken to secure attendance of those friendly to the meeting?

Answer. The meeting was advertised twice, to be held at seven o'clock.

Question. Was any one murdered at that meeting, or struck or assaulted at the meeting, or in going to or from the meeting?

Answer. No one was murdered or struck that I saw.

Question. Where was that meeting held?

Answer. On the northeast corner of Light and Montgomery Streets, at Southern Hall.

Question. Did you consider that a fair location to secure the attendance of the Reformers of the seventeenth ward at a called meeting?

Answer. There could be no better.

Question. Please state how far such place of meeting was distant from the place where the polls were held on November 2d, 1859?

Answer. One square.

Question. Please to state whether you have a personal knowledge that any ballots were received by the judges, which, at the time of their being received, you knew of your own personal knowledge were illegal?

Answer. I think there were three.

Question. Did you protest against the reception of these three ballots, or any of them, to the other judges?

Answer. In answering the ninth question, I did not mean to say, that at the time of receiving the three ballots, I knew them to be illegal; it was only after they were received, that upon conversation with the other judges, I found out that those three votes were illegal.

Question. Are these three illegal votes all that you can positively testify to of your own knowledge as illegal, which were cast on November 2d, 1859?

Answer. They are.

Question. How long have you been a resident of the seventeenth ward?

Answer. About five years altogether.

Question. How long have you lived in that section of town known as Federal Hill?

Answer. Upwards of thirteen years.

Question. Are you acquainted generally with the people in that section of town, and is your business there?

Answer. I am better known by the people than I know them; my business is there.

Question. How was it that you were appointed judge of election—was it upon the recommendation of the Reform party?

Answer. I do not know.

Question. Please to state how many naturalized citizens voted on November 2d, 1859?

Answer. I cannot recollect.

### *Re-examination.*

Question. Was there a free and open poll at any time during the day, the window being equally accessible to both parties?

Answer. No; the polls were well guarded by the clubs all day.

Question. Describe what you mean by guarded?

Answer. Whenever any person approached whom the crowd knew or suspected to be favorable to the Reform cause, they would form a ring, facing outwardly, with tickets in one hand and awls in the other, and that was usually enough for the Reform voter.

### *Cross-examination.*

Question. Can you state the number of voters of the seventeenth ward?

Answer. I should roughly estimate the vote at upwards of 1500.

### *Concluded.*

BALTIMORE, December 26th, 1859.

Correct.

WILLIAM SWINDELL.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 27, 1859.

BALTIMORE, December 27th, 1859.

THEODORE WOODALL, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the sixteenth ward of the city of Baltimore?

Answer. I was.

Question. Were you at the polls of that ward on that day; if so, at what hour and how long did you remain there?

Answer. I went there at about half-past eight o'clock and remained there until a little after the window was opened.

Question. Was there any obstacle to a full, free and fair ballot by the voters?

Answer. Just before the window was opened there were gangs of wretched looking men who came up, I should suppose nearly two hundred; Richard Watts, one of them, took his stand at the window with a drawn sword in his hand, and he slashed and cut the window shutter to make the judges open it, and said if anybody voted the Reform ticket he would have to do it through the point of that sword; the crowd seemed to indorse him; when the window opened there was a crowd of about a hundred rushed around it, and I took my ticket in my hand and went to the edge of the crowd and waited for a while to get a chance to go up through the crowd; I took my stand in the back part of the crowd, awaiting my turn, when I was struck in the face and about the head, and attacked by about a dozen men; after being struck several times, I noticed one man right in front of me who struck me in the face, while at the same time I was being struck from behind; I drew a pistol and snapped it at the man in front who had struck me; I put my pistol back in my pocket, and then the whole crowd made a rush at me, and an officer in citizen's dress, without any badge, came up to arrest me; this same officer a few moments before had threatened to knock me down because I had accidentally trodden upon his foot in the crowd; the officer arrested me, holding me by the lappel of the coat, and while so held I was struck on the head with a billy, and I fell; I then recovered, and raised myself to a sitting position, and saw a crowd rushing at me, some with drawn pistols; I noticed particularly William Dix; I then drew my pistol and snapped it again; I was then taken to the station-house and kept there for two hours before the magistrate came; after having my head dressed I went again to the polls; I found only some two or three at the window, but a large crowd of nearly two hundred in the neighborhood; no Reformers or Reform tickets were visible; I walked up to the window and voted; as I handed my ticket to the judges I noticed that the Reform judge and clerk were not there; one of the

judges called my attention to the fact that the polls were clear, and to bear witness that there was no difficulty in voting; I said to him, "Oh yes, that's all well enough now, after they have driven away everybody there was to vote;" I passed by the polls several times during the day, and it was always pretty much as when I was knocked down; this crowd was gathered round the window pushing, hustling, &c.; now and then they would seem to select some individual, chase him down the street and then return to the window again.

*Cross-examination.*

Question. How long have you lived in the sixteenth ward?

Answer. About fourteen years.

Question. Whilst residing there what has been your occupation?

Answer. Under Mayor Jerome I was police officer in that ward; afterwards I was an officer at the Camden Station.

Question. Have you held office at any time under Mayor Swann or Mayor Hinks?

Answer. No, sir.

Question. Are there many wretched looking men who live in the sixteenth ward?

Answer. Yes, a good many.

Question. Were you a member of the Reform Association of the sixteenth ward?

Answer. Yes, sir.

Question. How many persons belonged to such association?

Answer. At the meetings there were from twenty-five to forty; I do not know how many belonged to it.

Question. Was there an obligation entered into and signed by members of the Reform Association for mutual protection and assistance at the polls on November 2d, 1859?

Answer. There was a paper laid on the table at one of the meetings, for the signature of such as chose to sign it, who should thereby pledge themselves to be at the polls, and assist all legal voters to get in their ballots quietly.

Question. How many persons signed such paper and how many kept their pledge?

Answer. About twenty-five signed; I only saw some eight or nine of them there, up to the time I was carried off.

Question. Was anybody beside yourself struck at the polls, while you were there?

Answer. I saw one man struck.

Question. State the number of persons you saw assaulted?

Answer. I passed the window but twice, and each time I saw a man assaulted.

Question. Are you to be understood as testifying to assaults seen by you upon four persons only?

Answer. Yes.

Question. At what hour did you vote?

Answer. Probably a little after eleven o'clock.

Question. In your experience as a voter in the sixteenth ward for thirteen years, is it an unusual circumstance for four men to have been struck at the polls during election day?

Answer. No, for I have seen as many as a hundred struck on one day.

Question. When the elections were carried on by the Whig and Democratic parties, and under their organization, did you ever know an election pass without blows being struck at the sixteenth ward?

Answer. I have seen elections where there was not a blow struck to my knowledge, and whenever there were such blows, it was generally a simple knock-down between individuals, not a general fight.

### *Re-examination.*

Question. When were the elections referred to by you, when you saw a hundred men knocked down?

Answer. Within the past five years, or thereabouts, I voted the American ticket at that time.

Question. When blows were struck as you have said, between the Whig and Democratic parties, were not the parties who committed assaults arrested?

Answer. Always that I saw, unless the parties could run off and escape.

Question. You have said that there are a good many wretched-looking men in the sixteenth ward; were those whom you saw at the window committing assaults and obstructing the polls, some of those men?

Answer. Some of them were; many were there whom I had never before seen, and some of them were residents of other wards.

BALTIMORE, December 27th, 1859.

Correct.

THEODORE WOODALL.

Test—DANIEL E. MYERS, J. P.

FELIX McCURLEY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the eighteenth ward of the city of Baltimore ?

Answer. I was.

Question. Are you a tax-payer in the city of Baltimore ?

Answer. I pay over two hundred dollars a year taxes ; I am a merchant doing business on Baltimore Street.

Question. Were you at the polls of the eighteenth ward on that day, at what hour, and how long did you remain there ?

Answer. I went there about nine o'clock, and was there about five minutes.

Question. Why did you leave the polls ?

Answer. I took some Reform tickets and held them in my hand, standing in the middle of the street ; there was a crowd of men gathered around the window and in front of the polls, and I observed them looking at me rather hard ; one of them, named John Deeve, came up and struck me, and then several of them struck me ; I was badly cut over the eye, as if by knuckles ; I then left the polls and went home, and did not return there again.

Question. Who were the persons who assaulted you, and formed the crowd of which you have spoken ?

Answer. I recognized one man from Washington, who was with the crowd, but I did not see him actually committing violence.

Question. Did you vote ?

Answer. I did not.

*Cross-examination.*

Question. Please state whether you were a member of the eighteenth ward Reform Association ?

Answer. I was.

Question. How many persons belonged to that association ?

Answer. I attended two ward meetings, at which there were present at one of them eight or ten, at the other about fifteen persons.

Question. Was there no larger meeting of Reformers in that ward than those you have mentioned ?

Answer. There was a meeting in China Hall, at which, I should judge, there were over 150.

Question. How many Reformers did you see while at the polls ?

Answer. There might have been twenty that I saw.

BALTIMORE, December 27th, 1859.

Correct.

FELIX McCURLEY.

Test—DANIEL E. MYERS, J. P.

SAMUEL R. SMITH, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you, on November 2d, 1859, a merchant, doing business on Baltimore Street, a resident and legal voter of the eighteenth ward of the city of Baltimore?

Answer. I was.

Question. Did you vote on that day?

Answer. I did not.

Question. Why not?

Answer. I went to the polls about eight o'clock, A.M. ; I had been there about fifteen minutes, when an individual, whose name I subsequently ascertained was John Deever, pointed at me and said, "There's a Reform son of a bitch now;" when he did that he approached me in a menacing attitude, with his fists doubled, and said, "I'll strike him anyhow;" at the same time some six or eight others came up, and one of them caught hold of my coat and said, "The son of a bitch is armed" (which was not the fact, by the bye); while they were surrounding me in that menacing way, a gentleman of the same party, I suppose, more quietly disposed, came and told them to desist; they then dispersed and went off; some time after, I saw them assault Mr. McCurley, without any provocation; he was in the street, holding Reform tickets, when John Deever came up, and as well as I can recollect, said to him, "What are you doing here? you can't stay here," and simultaneously struck him in the face; I caught hold of Deever and held him, and then Deever's friends surrounded me, threatened me, and did everything but actually strike me; Mr. Drakely interposed for the protection of Mr. McCurley; the police did nothing that I saw, except to arrest Mr. Drakely, whom they took off to the station house, and I followed them down and returned no more to the polls.

Question. Was there any barricade or protection, for the purpose of facilitating voters?

Answer. There was a barrier there, a plank fence, about three feet from the wall, parallel with it, and I should suppose five feet or more high, and some ten feet long.

Question. Had this crowd which threatened you, and assaulted Mr. McCurley, full possession and control of the window, and the approach to it?

Answer. Yes, they had completely monopolized them before even the polls opened.

Question. Did you hear this crowd or any of them utter any threats as to what they intended to do ?

Answer. I heard them say, "as soon as we get these polls opened right, we are going to the nineteenth ward."

*Cross-examination.*

Question. Were you at the polls of that ward at nine o'clock A.M. or at any time thereafter ?

Answer. I was there at nine o'clock, and left there ten or fifteen minutes thereafter.

Question. During the fifteen minutes after the polls were opened, did you make a persistent effort to get to the judges' window with a view to vote ?

Answer. I made no attempt, because I thought it useless to do so.

Question. Please state how close you were to the judges' window at any one period.

Answer. On the curb-stone nearly opposite the window ; I could not get directly opposite the window ; some fifteen feet I suppose from the window.

Question. Was the space between yourself and the judges' window occupied by a crowd of persons voting or attempting to vote, and pressing up towards the window ?

Answer. At the time there seemed to be an eager desire by the crowd to vote.

Question. During that time, and in that space, did you observe any one struck or otherwise ill-treated ?

Answer. Yes ; Mr. McCurley.

Question. Did you see any one else struck ?

Answer. Deever was struck while he was striking Mr. McCurley.

Question. Was any one else struck to your knowledge ?

Answer. I saw no other blows struck.

Question. Do you know to what political party Deever belonged ?

Answer. I do not know, but believe he belonged to the American party.

Question. Were you a ticket holder or challenger of the Reform party ?

Answer. I was not.

*Examination concluded.*

BALTIMORE, December 27, 1859.

Correct.

S. R. SMITH.

Test—DANIEL E. MYERS, J. P.

EDWARD MOON, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, a resident and legal voter of the eighteenth ward of the city of Baltimore?

Answer. I was.

Question. Are you a tax payer of the city?

Answer. Yes; I pay over \$300 a year taxes.

Question. Were you at the polls of that ward on that day; if so, at what hour, and how long did you remain there?

Answer. I went there about nine o'clock, A.M., and I remained there a little over half an hour.

Question. Was there any obstacle to a full, fair, and honest ballot by the voters; if so, please state the extent and character of such obstacle?

Answer. The first obstacle that I saw, was the barrier erected in front of the window, which was of such a character that the window could not be seen from the outside, and the two ends were completely taken possession of by the "American" party; some three or four persons were stationed on top of the barrier, "spotting" the voters as they came up,—and I heard and saw them passing signals; I made an effort and got very close to the barrier, and I was advised by some of the crowd not to attempt to vote, that they would not allow me; I went back then to the middle of the street where Mr. Felix McCurley was standing, holding tickets; we had been there together scarcely a minute, when a man came up and said, "what are you doing here, go away from here?" McCurley then replied, "I wont go away, I have as much business here as any one else;" as soon as McCurley replied, the man struck him; McCurley resisted; the crowd from the pavement, sung out "rally;" about fifty of them came from the pavement to the centre of the street where I was standing, and in the confusion I was struck a severe blow on the side of the head with a billy or some other instrument, I don't know what; there was a police officer standing within twenty feet at the time; he took no notice until he saw some one attempt to strike the man who was beating McCurley; the officer arrested him and carried him off; the crowd, supposing that it was Mr. Stump, who had struck him, surrounded him, and penned him up against the wall; Mr. Stump begged them not to murder him,

that he was not the one who had struck the man that was beating Mr. McCurley ; I saw a number of persons trying to procure Reform tickets, but saw such tickets in the hands of no one except McCurley, there was a general complaint, that such tickets could not be had, and that those who had them could not get up to vote ; I left the polls and went to the station-house to see whether or not Mr. Drakely was confined there, intending to return to the polls ; I was, however, met by my friends, and advised not to go there, as I was "spotted," and so I did not return.

Question. Where were those polls held ?

Answer. At Ranters' Hall, as it is called, corner Hollins and Schroder Streets—N. E. corner.

Question. Was it a location favorable to a fair and full vote ?

Answer. No, sir, I think not ; this house was supposed to be the headquarters of the "Ranters," a club which is a terror to all the west end of the town.

### *Cross-examination.*

Question. Please state the entire number of persons that you saw struck at the eighteenth ward polls ?

Answer. I saw McCurley, and a German man struck ; I myself was struck, and one other.

Question. Are you to be understood as declaring that the number of persons you saw struck at the eighteenth ward polls, was only four ?

Answer. Three others and myself were all that I myself saw.

Question. Was the barricade so constructed as to render it impossible that a thousand of the legal voters of the ward could not vote between the hours of nine o'clock, A. M., and six o'clock, P. M. ?

Answer. I suppose two thousand could have voted, if there had been no other obstruction than the barricade itself.

Question. During the half hour that you were at the polls, how many Reformers, that you recognized as such, did you observe to be there present ?

Answer. I should suppose that I saw about thirty or forty in little groups ?

Question. Please state whether you attended any Reform meetings in the eighteenth ward ; if so, how many, and how many persons were present at each of these meetings, and where the place of meeting was ?

Answer. The only meeting of the ward which I attended was at China Hall, at which there were present, I should say, from one hundred and fifty to two hundred persons ; how many were identified with the Reform movement, I could not pretend to say.

Question. Was this a publicly called meeting, at which distinguished speakers were announced to address the meeting?

Answer. I do not remember.

Question. Were there advertisements in the newspapers, so as to give publicity to the meeting?

Answer. It was advertised.

Question. How far is China Hall from the place where the polls were held?

Answer. About a quarter of a mile, I should judge.

Question. Was not the place of holding the polls a central one, as regards the population of the ward?

Answer. I think it was.

### *Re-examination.*

Question. During the time you were at the polls, were any weapons of any kind flourished or displayed?

Answer. I only remember seeing billies brandished around the head of the German man, of whom I have spoken.

Question. Why were the Reformers standing in knots around the street, instead of protecting voters inside the barricade?

Answer. The reason I could assign for it was, the words used by the American party, as they called themselves, who were swearing, offering premiums for the head of a Reformer, swearing they shouldn't vote, &c.

### *Cross-examination.*

Question. What number of billies did you see displayed?

Answer. I could not saw how many, perhaps half a dozen, or even eight or ten; they were flying about the man's head.

Question. Were they flourished about the head of only one man?

Answer. A large crowd was pursuing one man, who was trying to defend himself as well as he could.

Question. Was he, to your knowledge, struck with any of these billies?

Answer. That I could not say.

Question. What was about the number of American voters in front of the polls, while you were there?

Answer. There appeared to be at both ends of the barricade some seventy to eighty persons of that party.

BALTIMORE, December 27, 1859.

Correct.

EDWARD MOON.

Test—DANIEL E. MYERS, J. P.

LEVIN E. BALLARD, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a resident and legal voter of the eighteenth ward of the city of Baltimore?

Answer. I was.

Question. Did you go to the polls of that ward on that day; if so, at what hour, and how long did you remain there?

Answer. I went there at about half-past eight o'clock, and remained there until about five minutes past nine o'clock, A. M.

Question. Were you yourself, or did you see others, assaulted, threatened, or in any way interfered with while there; if so, please state the circumstances, as observed or experienced by you?

Answer. I was myself threatened and very roughly handled; I went there and found over a hundred ruffians, many of them members of the "Ranters" and "Little Fellow" clubs; one of them came to me and told me that if I stayed there he would have me killed; I recognized among this crowd Mr. Kennard and Mr. Chaney, who are clerks in the office of the Clerk of the Superior Court, under Mr. Sangston, and it was the former who spoke to me; he said further to me, that he had taken no part in the Council election, but that he was there then overlooking matters, and that he was determined no Reformer should vote; he used a good deal of exertion to get the crowd to set upon me, and one of them, John Wright, a subordinate in the penitentiary, came up to me and said, "you son of a bitch, I give you fifteen minutes to leave in;" I was very thankful for the respite, and after consulting some of my friends I determined to leave, and did so without attempting to vote; many of these men were strangers to me; I am satisfied they did not belong to the ward; I saw three omnibuses which were being filled with the "Ranters," before I went to the polls, who appeared to be going off somewhere else.

Question. Was the barricade as erected an advantage or an obstruction to a full and fair vote?

Answer. Decidedly an obstruction, I should think.

Question. Was the inside of the barricade free and open to the voters; if not, how was it occupied?

Answer. It was not free and open; it was obstructed by the crowd around the polls.

Question. Was the location of the polls one favorable to a fair and full vote, or one calculated to deter and intimidate voters?

Answer. It was one calculated to intimidate voters, for the reason that it was next to "*Ranter's Hall*."

Question. What is the character of the persons who frequent Ranter's Hall?

Answer. Most of them have the character of being "rowdies;" many of them I have seen for the last four or five years at elections creating disturbance, attacking persons, and voting illegally.

*Cross-examination.*

Question. Please state your occupation during the months of October and November, 1859, and at the present time.

Answer. Commercial editor of the Baltimore American.

Question. Please to state how often since the 1st of October, 1859, you have visited Ranter's Hall, and describe what parts of the building you have been in.

Answer. I never visited it at all; have never been in it.

Question. Never having been in Ranter's Hall, can you state of your own knowledge that there were arms of any description therein?

Answer. I have no personal knowledge of any arms there.

Question. Please to give the names of the ruffians and rowdies who you know resort to Ranter's Hall.

Answer. I can name them, but I would rather not name them unless necessary.

Question. Without naming them, how many can you specify as known to you?

Answer. I should think that I could specify by name a dozen.

Question. What is the population of the eighteenth ward?

Answer. I should think in the neighborhood of 20,000 or 25,000.

Question. How long have you lived in the eighteenth ward?

Answer. About eleven years.

Question. Have you lived in the one square during that time, or in different portions of the ward?

Answer. I have lived in different portions of the ward.

Question. How long were you at the polls on the 2d November, 1859?

Answer. I was there, I suppose, about forty minutes.

Question. Please state whether your stay at the polls was before ten o'clock, A. M.?

Answer. It was.

Question. During the time you were there, please state the number of Reformers, whom you knew to be such, who were upon the ground.

Answer. I saw some twenty to twenty-five, whom I knew.

Question. Was there in the eighteenth ward, between the 1st of October and the 2d of November, 1859, an organization or concerted action, on the part of its residents, having for its

object the formation of a political party, to act under the distinctive name of Reformers?

Answer. I know of no organization that had for its object the formation of a political party; I know there was an organization which had for its object the protection of citizens in the exercise of their rights regardless of party.

Question. Are you to be understood as declaring that there was no political organization in the eighteenth ward, whose avowed object was, if possible, the defeat of the American or Know-Nothing ticket, at the November election?

Answer. No, sir.

Question. Was there a party or a political movement, having for its object, or one of its objects, the defeat of the American ticket, in whole or in part, at the November election; if so, what was the distinctive name under which such political movement was carried on?

Answer. There was a party that had for its object the defeat of ruffianism, for the time being, calling themselves Reformers.

Question. Did such party have an organization in the eighteenth ward, and if so, were you a member of it?

Answer. They had, and I acted with them.

Question. Please to state how many such meetings, which took place in the eighteenth ward, between the 1st of October and the 2d of November, 1859, you attended?

Answer. I suppose four or five.

Question. How many persons were in attendance at such meetings?

Answer. I attended some business meetings where there were from forty to seventy persons present; I attended one other where there were five hundred present, such is my impression.

Question. Where was this meeting held of which you speak, where, as you suppose, there were five hundred Reformers present?

Answer. It was held at China Hall.

Question. Please give the time at which it was held?

Answer. It was before the Municipal election.

Question. After the Municipal election what was the largest number of Reformers that you saw gathered together at any one meeting in the eighteenth ward?

Answer. I attended no meetings but business meetings—the numbers there I have stated before.

Question. At some of these meetings which you attended, was not the number as small as eighteen or twenty; at any of them did the number exceed sixty or seventy; that is to say, after the Municipal election?

Answer. I have heretofore stated it.

Question. Why not, in response to a direct question asking the number of persons, give a distinct answer, enumerating the numbers present; please do it now?

Answer. I cannot answer the question.

Question. Please state whether you attended any meeting of the Reformers the week preceding the election of the 2d of November, 1859, in the eighteenth ward, and if so, state the number in attendance there?

Answer. I suppose I must have attended a meeting during the week; I did not count the persons present.

Question. Can you give no estimate of the numbers you met with at such meeting?

Answer. I don't know but that I could give an estimate, but I do not know whether it would be correct; I like to give things correct.

Question. Did the number exceed 172, and if it did, how many; try and state the number present as accurately as you can compute them?

Answer. Did not count them, can't say.

Question. Please to state where the meeting was held, and the size of the room as nearly as you can estimate it?

Answer. It was in Calhoun Street, between Baltimore and Fayette Streets; the size of the room was about thirty-eight to forty feet long, and twenty feet wide.

Question. Were you at the polls only about five minutes after they were opened?

Answer. I don't think I was there much longer than that time, but I had so much to do that I cannot remember the time exactly.

Question. During the time you were there, state whether you saw any legal voters of the eighteenth ward struck or molested by ruffians; if so, who?

Answer. I saw Mr. S. R. Smith roughly handled before the polls were opened.

Question. Has any one, to your knowledge, ever been killed or wounded in or about Ranters' Hall; if so, who and when?

Answer. I have no personal knowledge.

Question. Have you a personal knowledge of any one being beaten therein?

Answer. I never was in the hall, consequently have no personal knowledge.

Question. Have you a personal knowledge of any acts of violence having taken place at Ranters' Hall since you have resided in the ward?

Answer. I have never seen any.

*Closed on both sides.*

BALTIMORE, December 27, 1859.

Correct.

L. E. BALLARD.

Test—DANIEL E. MYERS, J. P.

JOHN P. BROTHERTON, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

Question. Were you a resident and legal voter of the eighteenth ward on November 2d, 1859?

Answer. I was.

Question. About how long have you resided in that ward?

Answer. Since 1831.

Question. Did you act as one of the judges of election on the day specified?

Answer. I did.

Question. By whom were the clerks of election appointed?

Answer. By American judges; they would not allow me to name any; I named a clerk, and they refused to allow him to act.

Question. What is the character and extent of your acquaintance in the ward?

Answer. I am acquainted with a great many people in the ward, and I expect I know most of the voters—I know all classes.

Question. Are there many naturalized voters in the ward?

Answer. There are a great many that I am acquainted with; my impression is, that there are from six hundred to seven hundred naturalized voters in the ward.

Question. About how many naturalized voters voted in that ward on the 2d November, 1859?

Answer. Only two to my knowledge, that is, all whose papers were examined by the judges; one of whom received two or three stabs with an awl, as he was depositing his vote and while I had his papers in my hand; this was some time between one and two o'clock.

Question. Where were the polls in this ward held?

Answer. The second door east of Schroeder Street, in Hollins, north side.

Question. Was it, in your judgment, a location favorable to a full, fair, and honest ballot by the voters, and, if not, why not?

Answer. The location was well enough, but over my head there were firearms, that is, in the room above, they were firing guns there most of the day, up to four o'clock in the afternoon.

Question. By what name is that house generally known?

Answer. Ranters' Hall.

Question. By whom was that place selected for holding the polls?

Answer. The other judges informed me that the American Council had selected that place.

Question. Were you allowed any say or voice in the selection of the place for holding the polls?

Answer. I was not.

Question. Did either you or the other judges pay the ex-

penses of holding the election at that place ; if not, how were they paid ?

Answer. We did not pay them, the other judges told us that we had nothing to pay ; they said that the American Council would settle all that.

Question. Did you see any violence or intimidation practised upon any voters in their attempt to vote ?

Answer. No further than that one naturalized voter was stabbed with awls, while I held his papers in my hand ; they swore that no Reformer should vote there ; by they, I mean the American clubs.

Question. Was the access to the polls free and open to the voters at any portion of the day ; if so, for how long, and what part of the day ?

Answer. In the fore part of the day, when the polls were first opened, it was very much crowded ; after that crowd dispersed, the polls were clear for fifteen or twenty minutes ; then there would come another crowd, and so it continued all the morning ; after the first half hour, the American party, who had possession of the polls, as a voter would come up, cried, "Clear the gangway," and would then push the voter out, making a rush upon him.

Question. When you say, "the polls were clear," do you mean that the approach to the window was open and safe and free to all voters to come up and vote ?

Answer. What I mean is, that to all appearances the polls were clear, but when a voter came up they would all rush together, crying, "Clear the gangway," and then push the voter from the polls.

Question. Were there any illegal votes polled there during the day.

Answer. There were two whose names I know ; ex-police officer William Howard voted under the name of William Cartright, and John Clark, a guard in the penitentiary, voted as Andrew Jamerson ; I know that there were three or four others, but I do not know their names.

Question. Were there any police officers subject to your orders on the election of the 2d November, 1859 ?

Answer. Not one.

### *Cross-examination.*

Question. Did you sign a return of election ; if so, did you annex any qualification to the return ?

Answer. I signed, but made no qualifications.

Question. Those persons who were pushed away from the polls when the cry was raised, "Clear the gangway," can you state whether they were legal or illegal voters of the eighteenth ward ?

Answer. I cannot state, as I was unable to recognize them, as they were not allowed to approach the window near enough for me to recognize them.

Question. Can you state with tolerable accuracy, what the population is of that ward?

Answer. I consider the population about 20,000.

Question. Were any of your personal acquaintances, who made efforts to vote, prevented from voting; if so, state the persons and the circumstances?

Answer. I know no person.

Question. Can you state how many Reformers were prevented from voting, who were legal voters of the ward, and whom you knew to be such?

Answer. I cannot.

Question. Was there any discharge of firearms on the part of the crowd in front of the poll, or weapons of any kind used, to your knowledge?

Answer. I heard of no firearms outside, but in the room overhead there was firing all the morning, off and on, up to four o'clock, when Mr. Kenan came in and requested that the firing should be stopped, as it was frightening the women in the neighborhood; there were three persons outside with awls; I saw one man stabbed as he came up to vote.

Question. Did you see more than one person wounded with awls during the day?

Answer. But one, who was the German of whom I have spoken.

Question. Was any one wounded, to your knowledge, by the firing which took place up-stairs?

Answer. Not that I know of.

Question. In describing the firing which occasionally was heard up-stairs, are you to be understood as saying that the crowd in the room up-stairs amused themselves by firing balls at the voters as they approached the polls, or that they fired balls into the street?

Answer. I do not know what they fired or what they fired at.

Question. Do you know that the guns or firearms were loaded with ball or shot?

Answer. I do not.

Question. Do you know that any person was hurt or wounded from the firing up-stairs?

Answer. I was not in a place to see.

Question. Did you hear of any person being hurt or wounded by such firing?

Answer. No, sir.

*Examination in chief resumed.*

Question. To what extent could you see the conduct of the crowd in front of the window?

Answer. About eight feet from the window, as the barricade erected was from twelve to fourteen feet long, and placed about eight feet, I should judge, from the window, running parallel to the house in which the polls were held; it was about eight feet high, so high that I could not look over it.

*Examination on both sides closed.*

BALTIMORE, December 27, 1859.

Correct.

JOHN P. BROTHERTON.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 28, 1859.

BALTIMORE, December 28, 1859.

JAMES H. HANN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

Question. Are you a resident and legal voter in the nineteenth ward?

Answer. I am.

Question. Were you at the polls of that ward on the 2d day of November, 1859?

Answer. I was.

Question. At about what hour did you go, and how long did you remain?

Answer. I went about half-past nine, and remained till about eleven o'clock.

Question. Was there, while you were there, any obstacle to a full, free, and fair ballot by the voters; if so, state the nature and extent?

Answer. I found, when I went there, that the polls were in the possession of the rowdy spirits; Mr. Bollman requested that we would go up and vote, and, after several attempts, he succeeded, after being considerably hustled and pushed back some two or three times; I tried to get to the polls several times, but was pushed back into the street; in my attempts, I saw several persons struck and abused, who were doing no more than I was, which was to vote quietly; I found that if I persisted I should

share the same fate, in which case I should have retaliated; this, I was sure, would lead to serious consequences, as we had just heard of several similar cases in the other wards, as also I felt assured, from what I saw, that there could not be a fair expression, and therefore felt that it was not necessary for me to jeopardize myself and friends by voting; before leaving the polls, we sent a deputation to the acting Mayor, composed of Mr. Bollman and other gentlemen, asking that the polls might be opened to us; we waited the return of the committee, who informed us that the Mayor declined interfering in the matter; we then thought it advisable to disperse, and did so; I did not subsequently return to the polls.

Question. Did you see any weapon or weapons of any kind in the hands of those controlling the approach to the window?

Answer. I think I saw one case of a man having a horse pistol, holding it in his hand, threatening.

Question. Were the party of whom you have spoken as having possession of the polls, themselves engaged in voting, or were they blocking up the passage and preventing others from voting?

Answer. There were many of that party who were not voting themselves, but were engaged preventing others approaching the window; some of them were engaged in voting and bringing others up to vote.

Question. Was the state of things at the polls, as you saw it, such as might reasonably intimidate a man of ordinary courage and firmness, and deter him from voting?

Answer. It certainly was, and every effort was made by the rowdy party to cause a difficulty.

Question. Did you make more than one effort to approach to vote?

Answer. I made several efforts, and in every attempt was pushed back; I tried on all sides where I thought there was an opportunity, and always with the same results.

### *Cross-examination.*

Question. Please to state how long you have resided in the nineteenth ward.

Answer. Since April, 1859.

Question. Do you know the boundaries of that ward?

Answer. Some of them; not all.

Question. What is the population?

Answer. That I do not know.

Question. Are you generally acquainted with the voters of that ward?

Answer. I am not.

Question. Was there a barricade in front of the poll?

Answer. There was not.

Question. Please to state the number of persons who acted together in concert, in appointing a committee to wait on acting Mayor Spicer to solicit assistance from him in securing for themselves access to the polls, and whether you were one of the party acting in such concert, what the number of the committee was, and their names.

Answer. I would not like to swear to the number; I cannot name the number of the committee; there was upon it, Dr. Stewart, Wm. J. Stewart, Wendell Bollman—I cannot recollect the others.

Question. Can you state whether the number of Reformers at the nineteenth ward polls, at the time you were there, exceeded 206 in number?

Answer. It was suggested by the Reform men that we should take the polls; I opposed it; I mean, to get possession of one side of the polls, so as to secure a free access for all voters; I opposed it because I thought that many lives would be lost; we could not have held the polls, in my opinion, as there would have been reinforcements from other polls; my reason for so answering is to show that I think we had sufficient numbers to carry our point; I cannot state the number.

Question. Being on the ground from half-past nine till eleven, please state the number of persons you there met, whom, of your own knowledge, you identified as Reformers.

Answer. I cannot say as to numbers; there were a great many there whom I recognized as Reformers.

Question. Please to state the number, if possible, of the entire crowd you saw there, as near as you can.

Answer. I cannot compute numbers with accuracy, and so cannot answer the question.

Question. Please to state the politics of Mr. Bollman.

Answer. He is a Democrat, but was at that time acting with the Reformers.

Question. Did Mr. Bollman propose to a number of the Reformers to lead them up to the polls to open a passage to the window, and, if it should be necessary for the accomplishment of that object, to shoot down all that should oppose it, and if so, was such proposition accepted or declined by the Reformers?

Answer. I am proud to say that Mr. Bollman, instead of making any such proposition, insisted that no man should strike a blow or resort to violence, should protect ourselves, but to go no further; this was the reason we left the polls.

Question. You have stated that you found the polls when you went there in the possession of the rowdy spirits; are you to be understood as deposing to the impossibility of any Reformers depositing their ballots there?

Answer. That was the intention of those in the possession of the polls.

Question. Please to state how many meetings of Reformers

you attended after the Municipal election and before the 2d of November, held in the nineteenth ward.

Answer. Two or three.

Question. Please to state the numbers, respectively present, as near as you can.

Answer. I do not know, indeed; about fifty I should think.

Question. Were the Reformers with whom you are personally acquainted generally armed, and were you armed yourself?

Answer. I was armed, as to the others I cannot answer.

Question. You have stated that the state of things at the polls, as you saw it, was such as might intimidate men of ordinary courage and firmness and deter them from voting, are you to be understood as declaring that the 206 gentlemen who voted in that ward for Mr. McKim as senator, were men of more than ordinary courage and firmness?

Answer. There were men of courage there, but they considered that they were acting against the powers in authority.

Question. Please to state whether there was concert of action, harmony of design, discipline, and the same determination for success manifested by the Reformers, as by the Know-Nothings?

Answer. I think not; the desire was the same on the part of Reformers, but the concert of action was certainly not.

Question. Did the Reformers withdraw from the contest at the nineteenth ward, abandon the poll, and retire from the field, as a political party; if so, at what hour?

Answer. After Mr. Bollman and his committee came from the Mayor, it was found by the Reformers that it was an impossibility to vote, having no aid from the law, or parties in power, so we retired under protest, determining that we would make the best resistance we could before the Legislature; this was from eleven to half-past eleven o'clock.

Question. Please to state how many persons you saw struck?

Answer. I can safely say from three to four.

Question. How many Reformers, who made persistent efforts to vote, were to your knowledge, prevented from so doing?

Answer. At the nineteenth ward polls, I was so much engaged in endeavoring to vote myself, that I could not say as to others; to the best of my belief, I should think from six to twelve, were prevented.

*Examination on both sides closed.*

BALTIMORE, December 28, 1859.

Correct.

JAS. H. HANN.

Test—DANIEL E. MYERS, J. P.

JAMES ALEXANDER, a witness of lawful age, produced on the part of the contestants, being first duly sworn, deposes and says:

Question. Were you a legal voter in the nineteenth ward of the city of Baltimore on November 2d, 1859?

Answer. I was.

Question. Were you at the polls that day; and if so, how long?

Answer. I went there a few minutes after nine o'clock, and remained till about eleven o'clock, when the main body of Reformers left.

Question. Were the polls open, free, and fair, to the voters; and was the access thereto safe to all the voters; if not, state how you saw it?

Answer. After I came to the polls, a little after nine o'clock, the Reformers attempted to vote, but were pushed back; I remained there, I suppose, till near eleven o'clock, and during that time there was a great crowd at the windows, which had taken possession of the polls, and it was dangerous for any Reformer to offer to vote; finding that it was a matter of impossibility for any of the Reformers to vote, we left in a body, before eleven o'clock, though I with great difficulty got my vote in before I left.

Question. With what political party were the persons connected or acting, who, as you have said, had possession of the approach to the window?

Answer. The American party.

Question. Did you see any person struck while you were there in their efforts to approach the window?

Answer. Yes, I saw one struck, a man who was doing nothing.

Question. Did you see any weapons drawn or displayed?

Answer. I saw one pistol drawn, but not discharged; it was done to intimidate.

### *Cross-examination.*

Question. What was the number of Reformers who withdrew in a body from the nineteenth ward polls at about eleven o'clock?

Answer. I cannot tell the number, but I suppose there was a body who withdrew with me amounting to forty or fifty.

Question. How many Reformers can you say were pushed away and prevented from voting at the nineteenth ward polls?

Answer. I expect I must have seen more than fifty while I was there; I do not say that they did not get their votes in, for I do not know; I cannot be exact as to their number.

Question. Can you state the names of any Reformers, legal

voters of the nineteenth ward, who, after making persistent efforts to vote, were unable to do so; please give their names?

Answer. I cannot.

Question. How long have you lived in the nineteenth ward?

Answer. For eight years.

Question. During the two hours you were at the polls how many persons did you see struck?

Answer. I saw only one person struck; I saw others struck at.

Question. State how many you saw struck at, and whether they were hurt?

Answer. Several times; how many I cannot say.

Question. Were you at any of the Reform meetings at the nineteenth ward?

Answer. Three or four.

Question. How many persons were present at the meetings at the nineteenth ward?

Answer. I should suppose there were fifty.

*Examination on both sides closed.*

BALTIMORE, December 28th, 1859.

JAMES ALEXANDER.

Test—DANIEL E. MYERS, J. P.

WM. G. FOSBENNER, a witness of lawful age, produced on the part of the contestants, being first duly sworn, deposes and says:

Question. On the 2d November, 1859, were you a resident of the fifteenth ward in the city of Baltimore, and a legal voter therein?

Answer. I was.

Question. How long have you resided in that ward?

Answer. Ever since it has been the fifteenth ward; I have resided there for the last thirty-four years.

Question. What is the character and extent of your acquaintance in the ward?

Answer. I think I know about nine-tenths of the voters of all classes in that ward.

Question. Were you at the polls of that ward on the 2d November, 1859?

Answer. I was there in the capacity of judge during the whole day.

Question. Where were the polls held?

Answer. In Light Street between Hill and York Streets, in a building recently occupied by Mr. Joseph H. Edwards.

Question. Was it a location favorable to a full and fair ballot; if not, why not?

Answer. In my opinion, I would not suppose it was; I objected when I knew that place had been selected, because it was the head-quarters of the rowdy crowd, and was generally looked upon as a hard neighborhood.

Question. How was the rest of the building, in which the polls were held, occupied during the day?

Answer. I heard that there were arms in the house, and went up-stairs to see; I saw some twenty or thirty muskets there, in the room over that occupied by the judges of election.

Question. Was there a free and open poll during the day?

Answer. No, sir.

Question. What prevented it?

Answer. There was a crowd generally around the window of faces I did not know; they crowded around the window, permitting just such persons to vote as they pleased; there was no actual violence before my face, except in one instance I saw a young man knocked down; I could not see out of the window, as it was raised only about a foot or fifteen inches, and a board nailed over it, making the aperture small.

Question. Was this crowd, of whom you have spoken as having possession of the window, quiet and orderly, or otherwise?

Answer. They were not quiet; I cannot say that there was much disorder; they were running about hurraing; showing pistols and awls.

Question. Had they access to the room above you, in which the arms were stowed?

Answer. Yes, sir; through a passage.

Question. While you were in the judges' room, was there any discharge of firearms from the room above or in the vicinity?

Answer. There were discharges of firearms outside; I could not tell whether it was from above or not; there was no discharge after the polls were opened, that I recollect; there were some forty or fifty discharges of firearms before the polls were opened; it was at the time Mr. Kyle was killed; I also saw a boy taken away wounded.

Question. Were the persons composing this crowd outside the window legal voters of the ward?

Answer. The majority of them were not.

### *Cross-examination.*

Question. Did you sign the return of election without protest or qualification?

Answer. I signed the return; as far as I knew, all that occurred inside the window was honest.

Question. State the names of any Reformers that you may know, who, in attempting to vote, were prevented from doing so?

Answer. I do not know any.

Question. Please to state, whether any legal voters of the fifteenth ward, known to you to be such, who were approaching the judges' window, with a view to vote, were assaulted or intimidated; and if so, how many?

Answer. I saw one man attempting to approach the window, who ran off very fast, as if he had been stuck with an awl, making an outcry, and went off as if hurt.

Question. Are you to be understood as deposing, that you saw but one man molested, whilst attempting to vote; if you know of others, please to state it?

Answer. That was the only one that was molested in my sight.

Question. Between the hours of nine and six o'clock, was this the only man you saw wounded about the polls?

Answer. No, sir; I saw others knocked down outside the window, but that was the only one I saw wounded while attempting to vote.

Question. Please to state how many you saw knocked down during the day?

Answer. Some four or five.

Question. Do you know the legal vote of the fifteenth ward?

Answer. My opinion is, that the vote is about 1400.

Question. Were you present at any Reform meetings held in the fifteenth ward; if so, how many?

Answer. I was at two or three.

Question. Please to state the largest number you saw at any Reform meeting, between the Municipal election and the 2d November, 1859?

Answer. From fifty to seventy-five.

Question. Did you see the faces of the voters, as they presented themselves at the window and voted?

Answer. I did.

Question. Did you make objection to any of the votes which were received; if so, to how many?

Answer. I did, to twenty or thirty, probably more.

Question. How long have you been acting as judge of election in the fifteenth ward?

Answer. Since the election of Mayor Hinks; continuously five years.

Question. Where were the Reform meetings held in the fifteenth ward, and how far from the place where the polls were held?

Answer. The Reform meetings were held in Camden Street, between Howard and Sharp Streets, about eight or nine squares from where the polls were held; the respective places were on the boundaries of the ward, as far off as possible, except one square.

Question. Those fifteen or twenty votes, to which you objected, did the parties qualify that they were legal voters?

Answer. All that I swore, qualified.

*Examination in chief resumed.*

Question. Did you see any effort made by the police to stop the disorder outside the windows, or to protect persons who were assaulted ?

Answer. No, sir.

Question. At the time of the firing muskets of which you have spoken, was the firing at random or deliberate and with aim ?

Answer. They would stand off and take deliberate aim.

Question. Were these firearms which were discharged loaded with powder only, or with balls ?

Answer. Some of them were certainly loaded with balls, as I heard them strike the building in which I was, and fall flat upon the pavement.

Question. Did you see any display of firearms about the window subsequently to the opening of the polls ; if so, state the time ?

Answer. They were displayed all day, at intervals ; the pistols were beautiful, single barrel ones, new ones.

*Cross-examination resumed.*

Question. Did you see any Reformer intimidated during the entire day from approaching the polls ?

Answer. I saw them knocked down, that is to say, some four or five of them.

Question. Was there a barricade in front of the judges' window ?

Answer. There was none.

Question. How high was the judges' window above the pavement ?

Answer. About three feet.

*Examination on both sides closed.*

BALTIMORE, December 28, 1859.

Correct.

WM. G. FOSBENNER.

Test—DANIEL E. MYERS, J. P.

THOMAS E. COALE, a witness of lawful age, produced on the part of the contestants, having first made solemn affirmation, deposes and says :

Question. Were you, on the 2d of November, a legal voter in the eighteenth ward in the city of Baltimore?

Answer. I was.

Question. Did you on that day see any illegal voting at any of the polls in the city of Baltimore ; if so, state what you saw.

Answer. I saw at the polls of the thirteenth ward, near my place of business, a young man deposit his vote three successive times, assisted by another young man, who seemed to have much influence at the polls ; he would pass around the corner and change his hat and then return and vote again.

*Cross-examination.*

Question. Could you identify that man if he was now present ?

Answer. I could not.

Question. At what hour was it ?

Answer. About the close of the morning.

Question. At the time you saw the thirteenth ward poll did it appear to be free and open to the access of anybody ?

Answer. No, it did not.

Question. Why not ?

Answer. A large majority of one party took possession of the polls, and voters of the other party could not get up without endangering their lives.

Question. Please to state whether during the time you observed the thirteenth ward polls, you saw any one murdered, or armed gangs of ruffians displaying firearms, or whether you saw any one assaulted, and if so, how ?

Answer. I saw no one murdered ; I saw no gangs of ruffians that I knew to be armed, although I saw many ruffians there ; I saw a man hustled about a great deal.

Question. Please to state this man's injuries, who was so hustled about, whether he went away limping.

Answer. He was assisted by two policemen.

Question. Have you a personal knowledge of the names upon the ballots that you have spoken of above as having been cast illegally ?

Answer. No, I have not.

Question. Did you vote at the eighteenth ward ; how long before you got your vote in after attempting to vote ?

Answer. I did ; about an hour.

*Examination in chief resumed.*

Question. Did you vote the Reform ticket ?

Answer. I did not.

*Examination on both sides closed.*

BALTIMORE, December 28th, 1859.

Correct.

THOS. E. COALE.

Test—DANIEL E. MYERS, J. P.

JAMES H. STEWART, a witness of lawful age, produced on the part of the contestants, being first duly sworn, deposes and says :

Question. On the 2d of November, 1859, were you a legal voter in the nineteenth ward in the city of Baltimore ?

Answer. I was.

Question. Were you at the polls on that day; if so, about what hour and how long ?

Answer. I was there from nine o'clock until half-past eleven, when I went down to the Mayor's office on a committee, and a few minutes subsequently.

Question. Was there any obstacle to a fair and honest expression of the will of the voters ; if so, state the nature of it ?

Answer. There was an obstacle of such an extent that the challengers, who were appointed by the Reform party, were afraid to take their stand at the window ; one of them said, in my hearing, that he thought, if he took his stand, that he would lose his life ; the voters of the Reform ticket made an effort to obtain one-half of the window, and were opposed forcibly by the voters on the other side ; I saw a man pull out a pistol near me, and flourish it in the air, using expressions hostile to the Reformers ; I also heard a pistol fired around the corner in the drinking house where the polls were held ; I saw one man, a Reformer, knocked down, who was immediately in front of the window ; I was myself asked by a man, who I thought to be a challenger on the other side, on account of his proximity to the window, if I considered myself better than any other man, I having given him no provocation, as I simply handed my vote to one of the judges at the window ; I was also accosted roughly by another person, unknown to me, and who placed himself in a fighting attitude, and asked me why I was pushing him ; I believe that if I had answered him in a rough manner, that he would have struck me ; I spoke to the sergeant of police, who had command of the police there on duty, and asked him if he

could not clear the window to allow voters to approach the ballot box ; he answered me, that he had nothing to do with the voting at the window, that his orders were only to carry off disorderly persons ; I was then asked by several gentlemen (among whom was Mr. Wendell Bollman) to go down to the Mayor's Office, to find out the orders that were given to the police, and, if necessary, to obtain a reinforcement ; we stated the condition of affairs at the polls to the acting Mayor, who expressed surprise, and said that he had given orders to the Marshal, and thought everything was going on satisfactorily ; we told him that such was not the case, that the police there took no active part in preserving order, but were most of the time lounging around the corner ; I asked the acting Mayor what he considered to be the duties of the police at the polls ; his answer was that they were there to preserve order ; I also asked him for a reinforcement, which he said should be sent up as soon as he could speak to the Deputy Marshal, who, during my presence at the Mayor's Office, came in, and said that he would send up a number of men ; we then returned to the polls, and found a party of Reformers coming away ; I also waited to see whether the extra police force would come up, which the Mayor said he would send up ; they did not make their appearance, having had sufficient time while I was there ; I left under the impression that the polls were in complete possession of the Know-Nothing party.

*Cross-examination.*

Question. How long were you engaged in getting in your vote ?

Answer. I think it was a matter of ten minutes from the time I got on the pavement, for the purpose of voting, till I deposited my ballot.

Question. Were you acquainted generally with the Reform voters of the ward ?

Answer. I was.

Question. Did they hold meetings for the purpose of an organization, prior to the 2d November ; and if so, and you attended any of those meetings held in the nineteenth ward, please state the number of persons thereat ?

Answer. About fifty ; I never counted them ; I attended several meetings ; do not remember how many.

Answer. Please to state which Reformers of the nineteenth ward, whom you knew to be legal voters, were, after persistent efforts to vote, unable to do so ?

Answer. My brother, Mr. William Stewart, was one ; Mr. James H. Hann was another ; I cannot specify any others, although I know there was a body of Reformers, whom I saw pushed away with violence, but I cannot remember their names.

Question. Please specify the number whom you describe as "a body of Reformers," in your answer to the last question?

Answer. About fifteen men.

Question. What was the number of Reformers who were retiring from the polls in a body, as you returned from the Mayor's Office?

Answer. About fifteen men.

Question. Was any one hurt by the man who brandished his pistol at the polls, or by the discharge of the pistol fired around the corner, as mentioned by you?

Answer. No one was hurt to my knowledge.

Question. How many persons were hurt at the nineteenth ward polls, up to the time you left to see the Mayor?

Answer. I only saw one man struck myself.

*Examination on both sides closed.*

BALTIMORE, December 28, 1859.

Correct.

J. H. STEWART.

Test—DANIEL E. MYERS, J. P.

CHARLES W. G. BAUGHMAN, a witness of lawful age, produced on the part of the contestants, being first duly sworn, deposes and says:

Question. Were you, on the 2d November, a legal voter of the nineteenth ward?

Answer. I was.

Question. Did you go to the polls on that day; and if so, for what purpose?

Answer. I did go there to vote.

Question. State what you saw and experienced of the condition of things while there?

Answer. I approached the polls between nine and half-past nine; as I approached, I saw them noticing me, and making remarks as I came up; I started in the line to go up to deposit my vote, and got my feet upon the pavement, when the polls were entirely blocked by a disorderly gang of some fifteen or twenty; they made a yell and a rush towards us, and pushed me back; when I recovered, and attempted to vote, they then struck me twice, and knocked me against a tree-box; as I was defending myself, I was arrested, and whilst in the officer's hands, was twice struck by metal knuckles of some description, and the man that struck me laid the charge against me; the officer saw him strike me; I was released, and sent home; I was confined some seven or eight days to my bed, on account of the injuries received while attempting to vote.

Question. Did you see any violence of any kind offered to any other person while you were at the polls?

Answer. I saw nothing else but violence while I was there; the man who was ahead of me was struck at with some sharp instrument; I received the blow just at that moment, and could not see whether he was struck or not; the same moment a rush was made upon me and the other gentleman, and we were all forced out upon the pavement.

Question. Had the party of disorderly persons of whom you have spoken, who prevented your approach to the window, complete and exclusive control of the polls?

Answer. They had; they occupied both sides of the window, leaning inside of it, and pushed us away; there was no approach to the window at all for any of our party.

Question. Was the party who were obstructing the polls engaged themselves in voting or attempting to vote, or merely impeding the approach of others?

Answer. Merely impeding the approach of others.

Question. What was the political character of the parties prevented from voting, and what that of those obstructing the approach of others?

Answer. Those who were trying to get up to vote Reform tickets, were told that they could not vote those, but must vote the American ticket, at the same time presenting such American tickets to them; but I had no personal acquaintance with those of either party; one person cried out, "This is the ticket," presenting an American ticket, "that you must vote, or you cannot vote at all."

### *Cross-examination.*

Question. Can you state how many Reformers were in the line, attempting to vote at the same time with yourself?

Answer. There were three persons whom I took to be Reformers.

Question. Do you know of any other Reformers beside these three who were on the ground?

Answer. I saw others, a half a dozen or dozen, whom I took to be Reformers.

Question. When you say that you saw nothing but violence at the polls, do you mean to be understood that all the Reformers on the ground were attacked and beaten, or do you wish to be understood as confining yourself to the violence to which you were subjected and the gentleman ahead of you?

Answer. I mean to confine the violence to myself, the gentleman ahead of me, and the obstruction of the polls.

Question. During the whole time you were at the polls, do you know of more than one person, namely, yourself, being struck, and of more than one person being struck at?

Answer. I do not.

*Examination in chief resumed.*

Question. About how long time, in all, were you at the polls?

Answer. I was there only from two to five minutes.

Question. How near to the judges' window did you get?

Answer. From eight to twelve feet.

*Examination on both sides closed.*

BALTIMORE, December 27th, 1859.

Correct.

CHARLES W. G. BAUGHMAN.

Test—DANIEL E. MYERS, J. P.

WILLIAM SHEPARD BRYAN, a witness of lawful age, produced on the part of the contestants, being first duly sworn, deposes and says:

Question. Were you a legal voter in the city of Baltimore on the 2d of November, 1859, of the nineteenth ward?

Answer. I was.

Question. Did you go to the polls of that ward on that day, and if so, about how long did you remain?

Answer. I arrived at the place where the polls were held a little while after nine o'clock, as far as I could judge, and remained there until about half-past one P. M., as nearly as I can now recollect the time.

Question. Was there any obstacle to a free, fair, and full expression of the will of the people at that ward; and if so, state the nature of it, and all you know in regard to it?

Answer. During the most of the time that I remained there, there was great difficulty in the way of those persons who wished to vote the Reform ticket; shortly after I arrived on the ground, I attempted to make my way to the window, for the purpose of voting the Reform ticket, but found that I could not do so, from the fact that a number of persons had formed a body around the window, and crowded and pushed those persons who wished to vote the Reform ticket; after making the attempt to vote for some little while, I came out of the crowd, and, after consultation with some other Reformers, it was suggested, that if we would form a line, in Indian file, we might be able to push our way to the window and get in our votes; a number of us did so, and I believe some of us succeeded in voting; I cannot specify, particularly by name, more than one or two of those in the line at

that time who succeeded in voting; I pushed away, however, with as much strength as I possessed, for a while, but finding that I was very much pressed and squeezed, I came out of the crowd; there was evidently a concerted effort on the part of persons around the window to prevent us from voting; some one of the Reformers, whose name I did not know, expostulated with them mildly, and asked them to let us have one side of the window; a red-headed man, who was very active on the American side, cried out, "Take it, if you can get it," or something to that effect; pushing continued, and, after a little while, a large man rushed out of the crowd towards the place where I and several of the Reformers were standing, and brandished a large horse-pistol, about a foot long, and presented it as if about to fire; this caused considerable commotion among the Reformers; I did not see any pistols drawn on the part of the Reformers, but some one in their body cried out, "Don't fire unless he fires—let them have the first fire;" the man then put up his pistol and went back into the crowd without injuring anybody; this circumstance seemed to dampen the ardor of the Reformers very considerably; I think it was shortly after this, perhaps a few minutes, it may have been longer, however, that I saw Mr. Baughman come out of the crowd which had gathered around the window, with his face bleeding badly; after a little while longer a number of the Reformers went off, stating that they intended to go down to the Mayor's office and make an appeal to him, and to protest against the election, as they said; I remained in the vicinity of the window, being at times from ten to fifty yards distant, until they returned; when they returned they advised us to go home, stating that it was useless to remain any longer, as they could get no help from the acting Mayor; I remonstrated against this course, and endeavored to persuade them to remain and vote; they appeared, however, to be generally intimidated and dispirited, and most of them left the polls; this was, I suppose, about half-past eleven; I remained, and also a few others; after a while I again approached the window and made another effort to vote, and this time succeeded in voting without much difficulty; after this time I do not think, as far as I could judge from observation at the time, that there were more than a dozen Reform votes polled, if so many; I would observe a crowd around the window close up and shout and yell, as persons would attempt to vote whom they wished to exclude, although I saw three or four persons vote without obstruction, whom I took to be Reformers; while I was at the polls I saw several omnibusses full of persons drive up; the passengers would get out and vote and then they would get into the omnibusses again and drive off; these persons were, many of them, from the Almshouse, as was said at the time, although I had no personal knowledge of that fact; before I left, the polls became very quiet, there was very few persons voting or approaching; being satisfied that I could accomplish nothing

by remaining, I proposed to a gentleman who was with me to go home, and we accordingly left the polls about half-past one, as nearly as I can now recollect the time.

*Cross-examination.*

Question. Please state the greatest number of Reformers on the ground at any one time, at the nineteenth ward polls?

Answer. I am very little acquainted personally in the ward, but the persons whom I took to be Reformers, from their talking and standing with others, whom I knew to be such, was about fifty or seventy-five; I am not certain however as to the number, as my judgment of the number in a crowd is very unreliable.

Question. Of this fifty or seventy-five persons, believed by you to be Reformers, can you state how many voted?

Answer. I do not mean to say that there were not more than fifty or seventy-five at different times; at any one time I should suppose the number which I have stated is the correct number; how many voted, I am unable to say.

Question. Please to specify those whom you know, that after persistent efforts, were unable to vote?

Answer. There was so much confusion and disorder prevailing previously to the departure of the great body of Reformers, that it was impossible for me to know who voted and who did not vote, except in a very few instances; therefore I cannot answer the question.

Question. When the great body of Reformers retired from the poll, what number went off together or in a body?

Answer. The number who left was, I suppose, about fifty or thereabouts; they did not go in a regular body, although they moved off at the same time.

Question. If you were present at any meeting of Reformers in the nineteenth ward, between the municipal and general election, please state what numbers attended such meeting?

Answer. The meetings were held nearly every night for some time prior to the election; they were not held with open doors, nor was any public notice given of them; I attended several of them; I think there were generally from fifty to seventy-five persons present, but not the same persons each time, some would attend one night and some another.

Question. Were the persons who were present at these meetings, all of them voters at the nineteenth ward?

Answer. I was personally acquainted with but few of them, but from information received, at the meetings, and remarks made by persons present, I believe that they were all voters in the nineteenth ward, with the exception of an occasional visitor from other wards?

Question. Whilst at the polls from nine to half-past one, did

you see any actual violence, other than the brandishing of a pistol and the striking of Mr. Baughman ?

Answer. I saw persons rudely pushed who attempted to vote ; and in one instance, I saw a lad, who had a handful of American tickets, attempting to compel an old man to vote one of them ; I approached him with another gentleman and asked him what he was doing ; he then desisted and let the old man go.

Question. Please state whether you have a personal knowledge of any illegal votes having been received by the judges ?

Answer. As I was unable to get to the window, except by great efforts, and as I remained there only long enough to vote, I did not see the judges receive any votes, which I knew to be illegal.

*Examination on both sides closed.*

BALTIMORE, December 27, 1859.

Correct.

WM. SHEPARD BRYAN.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 29, 1859,

BALTIMORE, December 29, 1859.

BENJAMIN HORN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

Question. Were you a resident and legal voter of the twentieth ward of the city of Baltimore on November 2d, 1859 ?

Answer. I was.

Question. How long have you resided in that ward ?

Answer. I have resided there about thirty-five years, and voted there about thirty-one years.

Question. Are you a tax payer in the city of Baltimore ?

Answer. I pay over four hundred dollars a year taxes.

Question. Did you go to the polls of that ward on that day ; and if so, for what purpose ?

Answer. I did, for the purpose of voting peaceably.

Question. Did you make a persistent effort to vote ; if so, please state what occurred ?

Answer. I arrived at the polls about eleven o'clock ; when I got there the polls, that is the window and the approach to it were in the possession of a crowd of ruffians or rowdies, whom I did not recognize, and who, I am satisfied, were principally non-residents of the twentieth ward ; I attempted to vote, and was pushed back ; I waited a few minutes more, and made a second,

attempt, and was treated in the same manner; the third time I called on the judges to disperse the crowd there, to let me vote; as a tax payer and American citizen I claimed the right to vote; I was then repulsed again by the crowd; I then called upon the judges to close the window, that it was no fair election, and with that I received two blows on the side of my head, when the cry "Wade in, natives," was made; I then made six other ineffectual efforts to vote, being nine attempts in all; afterwards I saw a man knocked down at the polls; I called an officer's attention to it, and he told me he had nothing to do with it; I looked for his number, but he had it covered with a strap; all the officers that I saw at those polls had their numbers covered with their straps; two men of the crowd standing near me said within hearing of the officer, "You'd better look out, or you'll get knocked down too;" while I was standing there I saw six men vote twice; they first voted, and then went off a little way, exchanged caps and hats, and went up and voted again; I did not know, nor could I ascertain who they were; I intended to vote the Reform ticket.

Question. Had the party that prevented your voting complete possession of the polls while you were there?

Answer. They had complete possession during the whole time I was there, about an hour.

Question. Did you see any person vote the American ticket while there?

Answer. I did not know positively what ticket any person voted.

Question. Did those six men, of whom you have spoken, experience any difficulty in voting?

Answer. They did not; the crowd opened for them, calling out, "Here come good voters;" and they walked up without any obstruction.

### *Cross-examination.*

Question. Did you return to the polls in the afternoon?

Answer. I did not.

Question. Please state how many persons were on the pavement in front of the window, while you were there?

Answer. About two dozen.

Question. During the hour that you were there, how many persons voted?

Answer. I could not tell; I saw Judge Krebs and Mr. Ohler vote; they are the only two that I knew; I remember now another named Adam Vance, who voted; he is a common beggar on the street, and they let him vote, saying, "He's a good voter," and they kept me out.

Question. When you spoke to the judges, asking them to disperse the crowd, how far were you from the window?

Answer. About eight feet from it, in front ; I knew the judge, and called him by name, and he told the crowd to make way and let me up, but they wouldn't do it.

Question. Were you present at any of the Reform meetings in the twentieth ward ?

Answer. One.

Question. When was that one held, and how many persons were present ?

Answer. It was held some three or four days before the election, and there were about twenty present.

Question. If there had been a union of concert between twelve or fifteen of your immediate neighbors, men whom you know, could you not each and all have voted at the twentieth ward polls between eleven and twelve o'clock ?

Answer. No, sir, they could not have voted, that is, the Reform ticket ; we could have tried, at the risk of life.

Question. How many policemen were present at the polls ?

Answer. I saw only three, but they were about one hundred feet off from the window.

Question. Please state whether they interfered with voters in any way ?

Answer. They did nothing at all but stand there at a distance.

Question. Did you see any Reformers about the polls that you knew ?

Answer. I did not recognize any as such.

### *Re-examination.*

Question. Did Judge Krebs experience any difficulty in voting ?

Answer. He did ; at the first outstart he was hustled and pushed out.

### *Cross-examination resumed.*

Question. Did you appeal to the police to assist you in voting ?

Answer. I did not.

### *Examination on both sides closed.*

BALTIMORE, December 29, 1859.

BENJAMIN HORN.

Test—DANIEL E. MYERS, J. P.

WILSON N. CARY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you at the twentieth ward polls on November 2d, 1859? if so, please state what you saw there?

Answer. I went there before the polls opened; immediately after the polls opened, a band of men, not one of whom I knew personally, came up and occupied the pavement in front of the window; they occupied the pavement in such a manner that every one who went up to vote had to force his way through their body; I saw some men, whom I did not know, permitted to vote without any opposition, and others, whom I do not know, hustled away violently and driven off; the Reform party, with whom I was acting, placed old Mr. Levy at the window, as challenger; a man whom I recognized as Alex. Levy, the son of Mr. Levy, rushed up to the window and thrust himself violently between the window and his father, and by force prevented his father from exercising the duties of challenger, which he had been put there to do; things continued in that condition for, I should suppose, an hour or less; I stood up in the ranks and invited everybody to come up and vote; I was violently jostled, and my feet were trodden upon, and various threatening expressions made use of, which I saw were directed against me, but which I disregarded; about this time, that is about ten o'clock, violence commenced to be used; I saw one man come up to the polls, within three feet of me, and receive two blows in the face from one of the crowd; I marked the man who struck the blows; I went across the street to a policeman, seated on a step opposite the polls, but lower down, and told him I had seen this act of violence, and pointed out the man, who at that moment was going down Orchard Street, away from the polls; the policeman got up very slowly, and went after the man with Mr. Crow; I did not see the result, but returned to the polls; I saw Mr. Benj. Horn attempt to vote, and saw him driven away from the polls two or three times; subsequently I saw Mr. Frick arrested and in charge of a policeman; next I saw a general row, in which Mr. William Mann was badly beaten—I did not see who struck him; I witnessed, besides, some two or three assaults upon persons whom I did not know, but who were going up quietly to vote; I saw what I regarded as a complete obstruction of the polls, nobody, so far as I could see, being allowed to vote on the Reform side, except some prominent citizens of the ward, and on the other side every one, as I judged from the facility with which they were admitted through the crowd; there was no interference that I could see on the part of the judges of election; seeing that it was no election at all, I went with two or three

other gentlemen to the office of the acting Mayor; I offered to make before him an affidavit that the polls were obstructed, and that the right to vote was denied to citizens of the ward, and in particular told him that Alex. Levy was most active in causing obstruction, and that I had seen him thrust his own father from the window; the Mayor accepted my statements without oath, and professed his willingness to do anything in his power; he ordered Mr. Manly to take a sufficient force to the polls to clear them, and promised that a warrant should be issued for the arrest of Alex. Levy; I then returned to the polls leisurely, and waited there little less than an hour; no force came and there was no attempt on the part of the police there, or from elsewhere, to interfere, except that I saw a policeman at one time, I don't precisely remember at what hour it was, talking in an under tone to Alex. Levy, after which Levy was let go, and rushed straight back to the polls; after waiting as I have stated, the leaders of the Reform Association consulted together, and finally concluded that as nothing could be done to mend matters, except by going in for a regular fight, which would probably produce consequences worse than the loss of the right to vote, we would withdraw from the polls, which we did; there was some protest on the part of some members, but a majority determined to leave.

Question. Were you arrested during the course of the day; if so, where and under what circumstances.

Answer. I was arrested at the eleventh ward polls, about half-past twelve o'clock, M.; I was standing in the crowd, when a fellow made a desperate rush at the polls and climbed up on the barricade; there was an immediate effort made to expel him, and a considerable scuffle ensued right in front of the polls; I thought there was going to be a general row, and I saw a man dragged along by one or two persons away from the polls, with his face bleeding profusely; I did not know them; I saw persons endeavoring to strike him, I rushed to the spot, called out, "Don't strike him any more," and thrust my hand out as far as I could to protect him; I felt myself violently seized from behind, was jerked entirely off my feet, and turned to strike, and found that I was in the hands of two policemen; they jerked and dragged me along without any regard to my personal comfort; I finally brought them to a stand still, and said to them that I knew I was in the custody of the law and should make no resistance, but if they continued to treat me in that way, I should resist; they finally let go their hold of me, and I walked down between them to the station house, where I was locked up; subsequently I was taken before the acting Mayor and released on bail, being held for a hearing in the morning; I was told by the Mayor in the morning, as well as I recollect, that the cases had been referred to the Grand Jury; I have never heard anything further of the matter.

*Cross-examination.*

Question. Please state how long you have lived in the twentieth ward.

Answer. I moved into the twentieth ward in July last, from the eleventh ward.

Question. Did you vote at the election on November 2d, 1859?

Answer. I did not; I made two efforts at the eleventh ward, but was frustrated by the pressure of the crowd.

Question. Did you attend the meetings of the Reformers in the twentieth ward prior to November 2, 1859?

Answer. I did.

Question. After the municipal election, please state the number of persons who were in attendance on such meetings?

Answer. The meetings were variously attended, sometimes there were seventy-five or a hundred present.

Question. At the time Mr. Levy was present at the window as challenger by the Reform party, how many Reformers, that you knew as such, were there upon the ground?

Answer. I did not form any estimate at the time, nor could I have done it except very loosely; I could always see a dozen or more about me; the attendance was not so large as I had expected.

Question. At the time you left to wait upon the Mayor, how many Reformers were there at or about the polls?

Answer. That I could not tell with any accuracy.

Question. At the time the Reformers concluded to abandon the twentieth ward polls, how many consulted together concerning such movement?

Answer. I don't think there were more than a dozen; many had left before that time.

Question. Were the Reformers generally armed on that day at the twentieth ward polls?

Answer. That I cannot answer.

Question. Which of your personal acquaintances in the twentieth ward, members of the Reform party, were unable to vote after persistent efforts so to do; if unable to recall their names, please give an estimate of the number.

Answer. I cannot say; one case I have mentioned, Mr. Horn, whom I saw, actually prevented; this is the only case of a person prevented, whom I personally know to be a Reformer.

*Examination closed on both sides.*

BALTIMORE, December 29, 1859.

WILSON M. CARY.

Test—DANIEL E. MYERS, J. P.

JOHN C. H. ELLIS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you at the twentieth ward polls on November 2d, 1859?

Answer. I was.

Question. Did you witness an attack upon Mr. Philip Ball ; if so, please state under what circumstances the attack was made?

Answer. Mr. Ball and I went on the pavement together to vote, he being a little behind me ; as I went up, I saw a man standing in front of me, right in the centre of the crowd, preventing people from going up, and I said to him, "Have you voted?" He answered, "What is that to you?" I said, "If you have, make way for other people to vote." He said, "You'd better back out." I told him, "I think not." I then went to go by him on one side, and he crowded right on that side ; I then went on the other side and crowded by him and got to the window, and as I went to hand my ticket in, some one caught my arm and jerked it back, I pulled away, holding on by my left hand to the window, got my right hand free, and gave in my ticket to the judges ; as I came from the window, some person struck Mr. Ball over the head with a piece of a cane, the but-end of it ; another man tried to strike Mr. Ball, and I caught his arm ; at that time an officer came and caught hold of the man that had struck Mr. Ball with the cane, and he said to the officer, "You can't arrest me, and shan't arrest me ;" the officer said, "I don't want to arrest you, I only want to talk to you." The officer took him out into the street to talk to him, and two minutes afterwards the same man attacked Mr. Ball again ; I rushed up as close as I could get to Mr. Ball, and a young man was trying to strike Mr. Ball with a large stone ; I caught his hand and took it from him. In this affray there was a horse-pistol drawn by one of the attacking party. I then told one of the officers that he ought to arrest that man for drawing a pistol in a crowd ; another of the party remarked that he did not draw the pistol, it was handed to him ; I told him that I knew better, for I saw the man draw it ; he then said that such men as I made the disturbance ; I saw several persons attempt to vote there the Reform ticket that were not permitted to do so ; the officer did not arrest the person who had drawn the pistol, I saw the police officer have his arm around Mr. Ball's neck, and going off with him somewhere ; Mr. Ball is a merchant, in the tobacco business, of the firm of Warwick, Ball & Frick, formerly Ball & Frick.

*Cross-examination.*

Question. Please state what number of persons you saw prevented from voting?

Answer. I saw, personally, several, some three or four.

Question. Please to state whether those three or four persons whom you saw attempting and unable to vote, were legal voters of the ward?

Answer. I had seen these same men at the twentieth ward vote for several years.

Question. How long were you at the twentieth ward polls?

Answer. From ten until twelve o'clock.

*Re-examination.*

Question. Was the location of the polls in the twentieth ward convenient for the mass of voters, or otherwise?

Answer. It is almost the extreme southern corner of the ward; the population is exceedingly small south of it, although the polls have been held in that part of the ward almost ever since I have lived in it, which is over eleven years; the population in the neighborhood of the polls is mostly composed of colored persons.

*Examination closed on both sides.*

BALTIMORE, December 29, 1859.

Correct.

JOHN C. H. ELLIS.

Test—DANIEL E. MYERS, J. P.

SAMUEL LEVY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Do you know whether the polls of the twentieth ward, on November 2d, 1859, were located in the vicinity of the headquarters of any American club?

Answer. They were located about one hundred and fifty to two hundred yards from the headquarters of a club known as the Plug Uglies, which is, however, not in the twentieth but in the nineteenth ward?

Question. Do you know, of your own knowledge, or from

members of this club, that there was a deposit of weapons at their club-house, immediately before November 2d, 1859?

Answer. I saw, some eight or ten days before the election, in their club-house, a swivel.

Question. Did any members of the club tell you that they had arms in there?

Answer. They told me that they had plenty of revolvers in some boxes which were used as settees, which I saw there.

Question. Were you at the polls of that ward on November 2d, 1859?

Answer. I was there some ten or fifteen minutes before the opening of the polls, and stayed there until nearly twelve o'clock, M.

Question. Did you attempt to act as challenger of the Reform party?

Answer. I did try to get up to the window for that purpose; I was denied the privilege of getting nearer than so as to have one or two men between me and the window.

Question. During the time that you were there, was the access to the polls in the possession of persons acting with the American party?

Answer. Yes, I could safely say it was; they were rallying under the cry of the American party; crowded on both sides and in front of the window.

Question. Did these persons prevent individuals from getting up to the window; and if so, by what means?

Answer. They did, by pushing, crowding, putting themselves in menacing attitudes, using threatening language, and sometimes by actual violence.

Question. Did persons voting the American ticket experience any difficulty in reaching the window?

Answer. They did not; a way was opened for them upon some signal, such as "make way for a good voter," and then they went up without any obstruction.

Question. Did you see any weapon drawn or attempted to be drawn?

Answer. I saw a man open his coat and put his hand on a revolver in his pocket; I went to an officer and told him to arrest the man that he was drawing a revolver; the officer went to him, led him out of the crowd, and let him go in a little while, but did not make any arrest.

### *Cross-examination.*

Question. Was the swivel used or exhibited on November 2d, 1859?

Answer. I did not see it.

Question. Were any revolvers or firearms used or exhibited on that day by the American party?

Answer. I saw none other than the one I have mentioned.

Question. Being at the polls from their opening until near twelve o'clock, please state the number of Reformers who, after making efforts to vote, were unable to do so.

Answer. I saw some five or six men prevented by violence.

Question. Did you take part in the organization of the Reformers in that ward?

Answer. I did.

Question. Please state the largest number present at any meeting of the Reformers in that ward?

Answer. Some fifty to a hundred, I should suppose.

Question. Please to state, with as much accuracy as you can, the entire number of Reform voters on the ground on that day while you were there.

Answer. It would be impossible for me to say, for I did not know the political sentiments of many of the parties present; I should suppose the number was two hundred.

Question. How long have you resided in the twentieth ward continuously?

Answer. From fifteen to twenty years.

Question. Please to state if you have any opportunity of judging the number of legal voters in that ward?

Answer. I have no other means of judging than what I hear from the results of elections.

### *Re-examination.*

Question. Was the Reform candidate for the City Council elected in October, 1859, in the twentieth ward?

Answer. I only know the fact from the current reports of the day, that he was returned by the judges as elected, and that he is now acting as member of the Council from that ward.

### *Examination closed.*

BALTIMORE, December 29th, 1859.

Correct.

SAMUEL LEVY.

Test—DANIEL E. MYERS, J. P.

ALFRED CONWAY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

### *Examination in chief.*

Question. Were you a resident and legal voter of the nineteenth ward of the city of Baltimore on November 2d, 1859?

Answer. I was.

Question. Did you act as one of the judges of election in that ward on that way?

Answer. I did.

Question. Was the approach to the polls safe and accessible to the voters on that day?

Answer. No, sir, it was taken possession of by the American party as soon as the polls were opened, and was held so throughout the day pretty much.

Question. Were any voters molested or interfered with, in their efforts to approach the polls and vote?

Answer. Yes.

Question. What was the extent and character of the interference and obstruction?

Answer. When the polls opened they were immediately taken possession of by the American party, and whatever Reform votes were put in, were only so put in by the sufferance of the party around the window; whenever the Reform party attempted to get to the window they were generally driven off, pushed away, &c.; if one of the American party offered to vote, the crowd let him up without any difficulty, and no questions were asked of him, except such as I put, which were generally disregarded; the other judges would say, they knew the man, it wasn't necessary; if a Reformer came up, he would be asked for his papers, &c., and while the papers were undergoing examination, the crowd outside would be beating the voter; I saw pistols and billies projecting from the pockets of the crowd; when Francis Gallagher came up to vote, for instance, he was asked for his papers, and because he did not produce them, his ticket was thrown away; many of the Reform votes that were taken, were only got in by my exertions in reaching out my arm over the heads of the persons in front of the window, and taking their tickets in that way; there were a great many that came to vote in hacks and omnibusses, but we only received two such votes; I put myself in front of the box, and told the other judge that the votes of persons so brought there were not legal, and that he should pass them to me, and I would place them behind the box, and make signal to the clerks not to enter them, which was done, and I suppose there were over two hundred such votes thrown behind the box; we did this in order to save disturbance at the window, which we feared would be the result, if we rejected the votes altogether; five policemen came up from the seventeenth ward and offered to vote, but I rejected their votes, telling them that I knew they were from the seventeenth ward; they replied, "they would mark me;" "I told them to mark away;" I was often threatened by the parties outside, that they "would pull me out of the window, &c.; there was one man who offered to vote whom I had rejected at the Council election, and he asked me if I intended to reject him again, I told him I did; he went off, but

told me afterwards that he had come back disguised, and had voted.

*Cross-examination.*

Question. Are you to be understood in your deposition, as charging the American judges, at the nineteenth ward polls, of having utterly disregarded their oaths, and that they, in your presence, knowingly received illegal votes?

Answer. I do not mean to make any such charge against them.

Question. You have said in substance, in answer to the fifth question, that when a party was about to vote the American ticket, and you were interrogating him as to his right to vote, you would be interrupted by one of the other judges, saying "it's all right, I know him," &c.; do you wish that part of your testimony to be understood as that you knew of your own knowledge that such votes were illegal?

Answer. I could not swear that such votes were of my own knowledge illegal.

Question. Please to state how many Reformers who, to your personal knowledge, made efforts to vote, were prevented from voting.

Answer. A good many, I should presume from 200 to 300; some I knew, some I did not.

Question. How many persons at the nineteenth ward polls did you see struck?

Answer. I could not say.

Question. Were you at the judges' window nearly the whole day?

Answer. I was.

Question. Cannot you state whether you saw 5000, or 50, or 5, or 1, struck that day; have you no distinct recollection of having seen anybody struck, so that you can state the number; please give the number of persons you saw struck.

Answer. I suppose twenty or thirty.

Question. Did you sign the return of election?

Answer. Yes.

Question. Did you add any protest or qualification to the return?

Answer. No, sir.

Question. Can you state the number of legal voters in the nineteenth ward?

Answer. From 1500 to 1600, I should presume.

Question. Were you a member of the Reform party of the nineteenth ward, between the municipal election and November 2, 1859?

Answer. I was.

Question. Were you at any meetings of the Reform party of

the nineteenth ward previous to November 2d, 1859; if so, at how many of them?

Answer. No, sir, I was not at any.

Question. When you say the approach to the polls of the nineteenth ward was not safe and accessible to the voters on that day, do you mean to imply that there was danger to life or limb on the part of the 1100 and odd voters who voted the *American* ticket?

Answer. No, sir; I don't say there was danger to the American party, but there was such danger to the opposite party, to the Reformers.

Question. Could you distinguish when the ballot was handed to you whether it was a Know-Nothing or Reform ticket?

Answer. Yes, sir.

Question. Can you state how many of the 189 Reform voters who voted on November 2, 1859, were beaten?

Answer. There were not many of them who voted that were beaten.

Question. At what time did the Reformers abandon and leave the nineteenth ward polls?

Answer. There were a few standing about all day, off from the window; now and then some would come up and get in a vote.

Question. When the tickets were counted after the poll closed did you observe any Reform tickets of the same size and appearance as the Know-Nothing tickets?

Answer. I am not positive on that point.

Question. Please to state whether you have been a resident of the ward for many years, and whether you have a general acquaintance with the voters?

Answer. I have lived in the ward from twenty to twenty-five years, and have a tolerable acquaintance with the voters.

Question. Are you positive that all the men whom you saw attempt to vote and who were prevented from doing so, were legal voters of the nineteenth ward; did you know them all personally?

Answer. No, sir, I cannot say I knew them all.

Question. Was there any discharge of firearms, or even the single discharge of a pistol, at the nineteenth ward polls on November 2d, 1859?

Answer. None about the window until after the polls closed, and then there were discharges outside.

Question. Did you see any one stuck with an awl that day?

Answer. Yes, sir.

Question. How many persons?

Answer. Two or three; I threatened to have the parties arrested, and I saw no more awls after that.

*Examination closed.*

BALTIMORE, December 29th, 1859.

Correct.

ALFRED CONWAY.

Test—DANIEL E. MYERS, J. P.

JOHN T. CROW, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. Were you at the twentieth ward polls on November 2d, 1859 ?

Answer. I was.

Question. How long ?

Answer. I went there shortly after the polls opened and remained until half-past ten or eleven o'clock.

Question. Please state whether you were assaulted and under what circumstances ?

Answer. An attack had been made on the Reformers who were near the window on the pavement, of whom I was one, and in the rush I saw some one knocked down on his back and a crowd rushing over him, kicking him, &c. ; I followed up towards the man, when I received a blow in the face ; several other blows were aimed at me, but none struck me fairly except the one in the face.

Question. By whom was the rush made generally upon the Reformers who were standing about the polls ?

Answer. By a very rough looking crowd, who had taken complete possession of one side of the window and the approach to it ; they rushed at us and began striking blows and pushing in amongst us, &c.

Question. Did this attack result in driving the Reformers away from the window or its vicinity ?

Answer. It did ; there were few about afterwards ; I made an effort to get up to the window, believing that the rush had only been made for some special purpose ; shortly afterwards I saw a signal passed in the crowd, and they opened and formed a line for some eight or ten persons to come up, which they did by one or two at a time, and vote ; these men I had never before seen to my knowledge ; I had never seen them vote at those polls, that I know of.

Question. Did you see any other persons assaulted and beaten by this crowd ?

Answer. I saw Mr. Mann badly beaten right in front of the window ; I saw two Irishmen struck, one in the face, who was thrown out into the street, and the other, who was knocked down, got up again, and on making another effort to get to the window, he was pushed and driven off the pavement ; I saw four police-

men on a step upon the opposite side of the street, and I endeavored to get the Irishman to go over to the police and get them to assist him; the crowd began to gather around us, and I went over with him to the policemen, and the man who had knocked him down was then walking down toward Pennsylvania Avenue, and we pointed him out as the man who had struck the blow, but the police did not seem very able to see the man who was going down the street; finally one of them got up leisurely, and walked down toward Pennsylvania Avenue; the thing was done so conveniently by the policeman, who strolled along, that by the time we reached the avenue the man was gone; I saw some of the men running down a side street, as if to warn the fellow we were in pursuit of; quite a crowd gathered around us, and the policeman apologized to the crowd for having come down there; just then the policeman turned and went back; some of the crowd walked back with him; as I turned around, I saw the Irishman falling to the ground from a severe blow; I also saw Mr. Frick, who was standing in the front line of the Reformers, assaulted in the way of threats and violent language, shaking of fists and sticks in his face, and accusations of drawing a sword-cane on them; there were but few Reformers there at the time; Mr. Frick said nothing, but held his cane in his hand; they kept on threatening him; I saw one of the crowd have what I thought was a pistol or revolver, and lay it over the shoulder of one of his friends, and point it at Mr. Frick, threatening to blow his brains out, &c.; finally Mr. Frick gradually drew back, and they followed him and got around him, and a large man in police uniform, rushed at him, using profane and violent language, laid hold of Mr. Frick's collar and said he would arrest him; I interposed, and the same officer tried to arrest me; the officer took Mr. Frick away with him.

*Cross-examination.*

Question. How long have you lived in the twentieth ward?

Answer. About fifteen months.

Question. If you know it, please state the vote of the twentieth ward?

Answer. I do not know it.

Question. Are you acquainted generally with the voters of the ward?

Answer. I cannot say that I am.

Question. Do you know the number of Reformers in the ward?

Answer. I do not.

Question. Please state your occupation in Baltimore?

Answer. Assistant editor of "The Sun."

Question. Do you know personally that a single illegal vote was cast at the twentieth ward?

Answer. I do not know.

Question. Please state how many persons you saw struck at the polls, or assaulted?

Answer. I saw personally five or six that I can now recollect.

Question. Were there any guns or pistols fired while you were at the polls?

Answer. Not that I recollect.

Question. Can you state how many Reformers were about the polls while you were there?

Answer. I could not say how many there were, but a large number was present; I could have counted seventy-five of my own knowledge.

Question. Do you know that there were more than 235 Reformers in the twentieth ward?

Answer. I do not know.

*Examination closed.*

BALTIMORE, December 29, 1859.

Correct.

JOHN T. CROW.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 30, 1859.

BALTIMORE, December 30, 1859.

THOMAS H. MORRIS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you arrested at the eleventh ward polls on November 2d, 1859; and if so, under what circumstances?

Answer. I was arrested at the eleventh ward polls about half-past nine o'clock, A. M., at the instigation of a man who charged me with cutting him on the head with some sharp instrument.

Question. With what party was the man connected who made the charge against you?

Answer. He was associated with a very riotous gang who had attempted to break down the barricade.

Question. Was the charge entirely false?

Answer. Entirely so.

Question. Did the officer arrest you at once upon the charge?

Answer. He did, he seemed to be urged on by several of the same gang of whom I have spoken.

Question. In going to the station-house, did you pass in the neighborhood of the tenth ward polls?

Answer. I went down Saratoga Street to Holliday.

Question. When you were near the station-house, did you hear the reports of any firearms, apparently discharged in the vicinity of the tenth ward polls?

Answer. As I got to the corner of Saratoga and Holliday Streets, in which latter street the polls were situated, I heard the reports of firearms and saw the balls striking the ground along Holliday Street.

Question. Was the firing from the direction of the tenth ward polls?

Answer. My attention was directed to it by the policeman who was with me, saying, there's firing at the tenth.

Question. In order that the balls should reach the point where you observed them, in what direction must they have been fired?

Answer. They were fired by persons aiming northwardly; the line of the shots being from south to north, straight out Holliday Street.

### *Cross-examination.*

Question. Did you vote at the election on November 2d, 1859?

Answer. I did.

Question. How long were you engaged in a persistent effort to vote?

Answer. I took my place in the line of voters and was more than an hour before I got to the window; there was quite a press of voters at the time I was trying to get up, and there was also confusion on the steps and at the window, and an attempt made to break down the barricade, which delayed me some five minutes after I got upon the platform.

Question. Were any of your personal acquaintances unable to vote after making persistent efforts to do so?

Answer. I think not.

Question. Was the location of the poll one favorable to fairness?

Answer. Quite otherwise, if there were any disposition to take advantage of the location to create obstruction.

Question. Was not the location in one of the most respectable portions of the town, and was not the street wide?

Answer. The immediate location was in a respectable part of the town, and the street, Madison Street is a wide one; the lo-

cation, however, almost adjoined an alley, and I understood it to be near a part of the town which has a very bad reputation.

*Re-examination.*

Question. How was access to the polls of the eleventh ward for voters secured while you were there?

Answer. It was secured by the efforts of gentlemen present resisting interruption, from riotous persons from time to time as it occurred.

Question. Were there frequent attempts made by the riotous party to which you have referred, to take possession of the barricade through which the voters had to pass?

Answer. Yes, such attempts were very frequent.

*Cross-examination resumed.*

Question. Were such attempts successful in excluding, whilst you were there, Reform voters from voting, or did they produce but a temporary obstruction to the voter reaching the window?

Answer. As such efforts were resisted successfully, they only produced temporary obstruction or delay.

*Examination closed on both sides.*

BALTIMORE, December 30th, 1859.

Correct.

T. H. MORRIS.

Test—DANIEL E. MYERS, J. P.

FREDERICK J. BOWERS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, a resident and legal voter of the sixteenth ward of the city of Baltimore?

Answer. I was.

Question. Were you on that day assaulted while attempting to vote? if so, under what circumstances?

Answer. I was; I went up to vote, and I was shoved out, made another attempt, and a third, and was similarly treated; the third time I was violently assaulted, with the cry, "kill the son of a bitch;" I was forced out into the street by persons, who

were kicking and hitting me ; there was only one man who interfered to prevent their beating me, and I do not know what would have been otherwise the result, as the same cry was constantly repeated, "kill the son of a bitch ;" when I got at liberty, I remarked to some of my friends, that I believed I was injured for life, as I felt pains in all parts of my body from kicks and blows,—I was particularly hurt by a kick in the stomach and a blow on the head, which seemed to be from a billy, or something else very hard, much harder than a fist ; I went to the curb, and said, "boys, keep this gangway open, as I am going to vote," the crowd separated and made a clear way for me, and I went up and voted ; when I came out, I stood in the street for about an hour or so ; there was a general disposition on the part of the crowd, which had complete possession of the window and the approach to it, to keep voters out, whom they thought opposed to them.

Question. Did you see other persons prevented from, or obstructed in voting by this crowd ?

Answer. I did see several persons hustled away, pushed and crowded away from the window.

### *Cross-examination.*

Question. At what hour were you at the polls ?

Answer. Between nine and ten o'clock.

Question. When you made known your intention to the crowd to vote, was there then any obstacle to your voting ?

Answer. No, sir.

Question. Did you vote the Know-Nothing ticket ?

Answer. I did not ; I voted the Reform ticket.

Question. Please to state the number of persons whom you saw prevented from voting who were making efforts to get to the window ?

Answer. I cannot say precisely, nor should I like to specify any number,—but I think half a dozen, I myself saw pushed out and crowded away.

Question. Were the polls of the sixteenth ward located in a respectable neighborhood ?

Answer. They were ; there was considerable vacant ground in the vicinity.

Question. Did you see armed men at or about the polls ?

Answer. I did not see any arms.

Question. How long have you lived in the sixteenth ward ?

Answer. I have been a voter there for about thirteen years.

Question. Which of your personal acquaintances were unable to vote in that ward after having attempted to do so ?

Answer. My two brothers and Mr. Martin are the only ones that I can at this time specify.

Question. Did these gentlemen make any persistent efforts to vote?

Answer. I only know from what I have heard from them that they did not vote, and I do not now remember whether any them stated to me that they had made efforts to vote.

Question. During the hour you were at the polls, prior to ten o'clock, how many persons did you see struck?

Answer. Some two or three.

Question. Did you pass those polls during the day several times; if so, please state whether there was any violence at these polls at those times?

Answer. I did pass them several times, and I did not see any violence as I just passed by.

*Examination closed.*

BALTIMORE, December 30, 1859.

Correct.

FREDERICK J. BOWERS.

Test—DANIEL E. MYERS, J. P.

AUGUSTINE H. PENNINGTON, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, a resident and legal voter of the fifteenth ward of the city of Baltimore?

Answer. I was.

Question. How long have you been a voter in that ward?

Answer. Ever since it has been the fifteenth ward.

Question. What is the character and extent of your knowledge of the voters and residents of that ward?

Answer. I doubt whether any one in the ward has had a better opportunity of knowing them, as I have been a magistrate in that ward about fourteen years in all.

Question. Did you vote at the election of November 2d, 1859? If not, why not?

Answer. I did not vote, from reasons of intimidation and fear of losing my life.

Question. What grounds of intimidation were they which operated upon you?

Answer. On the night previous to the election, I was passing the corner of Hill and Hanover Streets; there was a crowd there; some one observed in the crowd, "there goes the old Squire;" another party called out, "will you bleed?" I replied, "no;" they then said that "they would bleed me to-morrow, and that I would have to be carried home in my coffin;" the next morning I bid my family farewell, calculating that I should be brought home as they had said, and when I got down to the

corner of Charles and Barre Streets, I met Mr. Isaiah Gardner, who requested me to remain there until he went up to Hanover Street; whilst waiting for his return, I heard the reports of pistols in the neighborhood of where the polls were held; soon afterwards I learned that two persons had been shot; after the return of Mr. Gardner, I walked down to the N. W. corner of Lee and Charles Streets, where I learned that the two Messrs. Kyle had been shot, and I was advised by some one there, not to go down to the polls to vote; I went then opposite Mr. Kyle's house, in Hanover Street, where I saw his son brought home on a litter, severely wounded, of which wounds he died soon afterwards, and I was advised to leave the ward as my life was in danger, I being a Reformer and a Reform candidate; I knew that the two Kyles were members of the Reform party; I proceeded down to the United States Custom House, which I considered the only safe place in the city, except the eighth ward; after three o'clock, I went to the eighth ward polls, and I remained there about half an hour; during the time I was there at the eighth ward everything was perfectly quiet; the voters going up to vote without the least obstruction.

Question. Were the polls in the fifteenth ward so located as to be favorable to a full and fair vote of the citizens of the ward?

Answer. I do not think the polls were held in a proper location, being within two squares of the polls of the seventeenth ward, and in one of the most rowdy portions of the fifteenth ward.

Question. Was there in this ward, after the shooting of the Messrs. Kyle at the polls, a general feeling of apprehension, intimidation and alarm, and that Reformers could approach the polls only at the risk of their lives?

Answer. So far as my knowledge extends, such was the state of feeling; but, having left the ward for the day, shortly after the occurrence, I cannot say what happened after I left.

Question. Have you since the day of election examined the clerk's poll book, or a certified copy of it?

Answer. Considering myself interested in the result of the election in the fifteenth ward, I requested Mr. Sangston, the clerk of the Superior Court, to furnish me a certified copy of the poll book, which he did, and I have examined it very carefully.

Question. What proportion of your personal acquaintances, whom you knew to be Reformers, and desirous of voting at that election, do you find recorded as having voted on that day?

Answer. The book shows the names of only about eighty Reformers who voted on that day, whom I supposed to be Reformers from the names.

Question. What proportion of the names are unknown to you?

Answer. More than half, whom I do not recognize as legal voters.

*Cross-examination.*

Question. Were you at, or in the immediate vicinity of, the fifteenth ward polls between the hours of nine and six o'clock, November 2d, 1859?

Answer. I was not; I was afraid to go there.

Question. Were you a candidate for any office at that election?

Answer. I was; for office of the Justice of the Peace.

Question. Were you the candidate of the Reform party?

Answer. I announced my name in the Fall of 1859, as independent candidate for that office in the fifteenth ward; the Reform party afterwards tendered me the nomination as their candidate, and I accepted it.

Question. Were you at any meetings held by the Reformers in the fifteenth ward, prior to November 2d, 1859?

Answer. I was at several meetings.

Question. Please to state where they were held.

Answer. In Camden Street, between Sharp and Howard Streets, in a building formerly used as a piano forte factory, then unoccupied.

Question. What was the largest number of persons at any one time in attendance at such meetings?

Answer. The room was pretty nearly full; but I could not form any idea of the number.

Question. Was there, to the best of your knowledge and belief, more than 100 persons present; if so, how many more?

Answer. I cannot say.

Question. Was there as many as 200?

Answer. I have already stated that I cannot give an estimate.

Question. What is the vote of the fifteenth ward?

Answer. I only know from the returns at former elections; somewhere in the neighborhood of 1400 to 1500.

Question. You have in answer to the fifth question, stated the grounds of intimidation which operated upon you, to prevent your voting, and you have said that the evening before the election, as you were passing the corner of Hill and Hanover Streets, some one in the crowd called out "will you bleed;" did you, or not, understand that to be a question addressed to you, to know whether you would contribute money for the purpose of electioneering?

Answer. I cannot say what their intention or meaning was; but I supposed they wanted to know whether I would give them money.

Question. How many persons advised you to leave the fifteenth ward, on account of your life being in danger?

Answer. Some two or three.

Question. Did they mention any particular threats as made

against you by name, or did they mention any other circumstances; if so, please state what they said on that point?

Answer. The parties who advised me, only told me that I had better leave the ward, that they did not consider me safe there, and I did not consider myself safe there.

Question. At what time were such remarks made to you?

Answer. About the time that young Mr. Kyle's wounded body was brought to his father's house.

Question. Was not this before nine o'clock, A. M., or within five or ten minutes after nine o'clock, A. M.?

Answer. I have no recollection of taking out my watch at the time, but presume that it was in the neighborhood of nine o'clock; it might have been a short time before, or after.

Question. You have said that you "knew the two Kyles were members of the Reform party;" please to state whether you knew other members of the Reform party of the fifteenth ward?

Answer. I did.

Question. Please to state with how many?

Answer. A good many, at least those who professed to be Reformers.

Question. Can you call to mind more than 108, in the fifteenth ward, who professed to be Reformers?

Answer. I cannot specify any number.

Question. You speak of a Reform party, in your answer to the fifth question, and in that part of where you say you knew the two Kyles to be members of the Reform party; had such party a meeting in the fifteenth ward on the night previous to the election, and were you present at it?

Answer. My impression is, that there was a meeting in the fifteenth ward on the night previous to the election, and I think I was there, if there was such meeting.

Question. If you were present, can you state how many persons were present at that meeting?

Answer. I cannot.

Question. Is it not possible for you to give an idea of the number of persons present at any of the meetings of the Reformers of the fifteenth ward, at which you were present?

Answer. I have already stated that I did not form any estimate of the number of persons present at any meeting, nor can I now do so.

Question. Have you a distinct recollection that on November 2d, 1859, a person or persons said to you, "your life is in danger," and advised you to leave the ward?

Answer. I have already stated that I have a distinct recollection that I was advised by a person or persons to leave the ward, that my life was in danger.

Question. Please state the hour at which the remark was made, and the person or persons who made it.

Answer. I have already stated that it was about the time

when Mr. Kyle was brought home, somewhere about nine o'clock, A. M.; the names of the persons I decline to give.

Question. Please state why you decline to give their names?

Answer. I decline to answer that question.

Question. Did you leave the fifteenth ward immediately after receiving this advice?

Answer. Shortly after receiving that advice I left the ward.

Question. Please to state the names of any of your personal acquaintances and all of them who were unable to vote at the fifteenth ward polls, after having attempted to do so?

Answer. Not having been at the polls during the day, I cannot say of my own knowledge.

Question. You have stated in your answer in the ninth question, that only about eighty Reformers voted, whom, from their names, you suppose to be Reformers; now state, if you please, the names of any persons, legal voters of the fifteenth ward, not included in the above eighty, that, from their declarations to you, you knew intended to vote the Reform ticket?

Answer. There were a good many who, from time to time, came to my office and talked to me about it, but I did not keep any account of them.

Question. If you can give the name of any one Reformer, a legal voter of the fifteenth ward, whose name is not registered on the poll-book, please to do so, and if you know the name of more than one, please to give his or their names at the same time?

Answer. I might give the names of several, but I think I shall decline to do so.

Question. Having the ability to give the names of several, and having declined to give them, please state the number?

Answer. For the same reasons in my previous answer, I decline to do so.

Question. Having recognized only about eighty persons registered on the poll-book as Reformers, are you to be understood as declaring that that was the extent of your personal acquaintance among the Reform voters of the fifteenth ward?

Answer. I knew other persons whom I supposed to be Reformers, and who were members of the old Democratic party.

*Examination closed on both sides.*

BALTIMORE, December 30th, 1859.

Correct.

A. H. PENINGTON.

Test—DANIEL E. MYERS, J. P.

GEORGE W. SQUIRES, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a legal voter in the sixteenth ward of the city of Baltimore?

Answer. I was.

Question. Did you go to the polls of that ward to vote on that day?

Answer. I did.

Question. State what you saw of violence, disorder, or intimidation at the polls?

Answer. I went to the polls about half-past eight o'clock; I met some fifteen or twenty Reformers, who had gone, like myself, to vote, and in a quiet and legal manner to assist others in the exercise of a similar right; when we approached the polls, we saw a man named Watts holding a large broadsword in his hand, which he waved about his head, striking occasionally against the window, which was not then opened, and marking with his left hand upon the blade, the depth to which he would stick it into any Reformer that should attempt to vote; we went up to the window, and I stood the third man from the window, and when there had been about three votes received by the judges, a man named Crangle offered to vote, and the judge said that he had voted before, and wouldn't receive his vote; Crangle protested that he had not voted; the judge contended that he had; and then the crowd of rowdies, numbering about a hundred, made a rush, and drove us all away from the window; during this rush, a man named Dix, who had been shortly before pardoned from the penitentiary, struck Mr. Woodall on the head with a billy and knocked him down; the Reformers then got out into the middle of the street and consulted together; some proposing to go home and arm themselves, but I suggested that it would be better to go down and see the Mayor; while we were out in the street, the rowdies were around the window, waving their revolvers over their heads, right in front of the window, and in full sight of the judges, and swearing and saying that now they had us and would string us, &c. I went to the Mayor's office, and on the steps I met Marshal Herring, and told him what had transpired at the sixteenth ward, and he told me he had enough to do at the tenth ward, and could not do anything for us; I then went to the Mayor's office, and there were three men sitting at a desk, and I asked them if the acting Mayor was there; a man was pointed out to me as the acting Mayor, the one in the middle of the three, and I spoke to him, and told him what had occurred at the sixteenth ward, and asked him to send us some protection, and he said that he would have it attended

to immediately; I told him that I wished he would, as some of the most respectable men in the ward were talking of arming themselves for the purpose of securing their rights at the polls; a man sitting on the left of the Mayor said, we would look well at that, for they had three hundred well armed men there, (meaning at the sixteenth ward poll,) to meet us if we came; the Mayor was writing at the time, and did not pay any attention to the remark; I then went away from the Mayor's office; about two o'clock I went to the polls, that is, to the curb in front of the window, and while I was standing there, I saw a youngster that I should judge to be about fifteen or sixteen years old, approach the window and hand the judge three tickets, one after the other, giving each time a different name; the judge took those three tickets, but whether he put them in the box or not I did not see; the youngster handed the judge a fourth ticket with another name, when the judge remarked, "That will do, you have voted often enough now." I did not vote nor make any effort to vote after being forced away from the window in the rush which I have spoken of.

*Cross-examination.*

Question. Please to state why you did not offer to vote when you were near the window?

Answer. Because there were others ahead of me, and intending to stay all day, I did not make any effort to vote at that time.

Question. How many Reformers were with you when you went to the polls?

Answer. About twenty in all.

Question. How many persons belong to the Reform Association of the sixteenth ward?

Answer. I do not know.

Question. How many Reformers had signed an agreement to be at the polls on election day?

Answer. I do not know; there were about thirty names when I signed.

Question. When you saw the boy hand three ballots to the judge, as you have described, could you not have voted then, if you had seen fit?

Answer. I might or I might not; I could have voted through the day, I suppose, for about that time one of the rowdies came to me and offered to take me up, but I told him I wouldn't, that if I could not go up like a man, I would not go like a sheep; I do not deny that I could have voted, but I would not do it under the circumstances.

Question. How many persons did you see struck at those polls?

Answer. I saw five struck.

Question. How long were you at the polls?

Answer. About three-quarters of an hour after the polls opened, and about fifteen minutes at or about two o'clock, P. M.

Question. Do you believe that the gentlemen who signed the agreement to be present at the poll, if they had all attended and done what they pledged themselves to do, could have succeeded in getting in the Reform vote?

Answer. I believe that a hundred men could have got in the Reform vote, but not thirty of whom only I know as having signed.

*Re-examination.*

Question. Could the Reform vote in the sixteenth ward, from what you saw at the polls, have been polled without the removal of the party who had taken possession of the access to the window?

Answer. It could not.

Question. From what you there observed, in what way only could the party in the possession of the window have been removed by the Reformers?

Answer. Only by shooting them down.

*Cross-examination resumed.*

Question. If the Reformers of the sixteenth ward had met on the ground before nine o'clock in a body, could they not have got possession of the window, and so got in their vote?

Answer. If all the Reformers in the ward, whom I believe to be in a majority of 400, had all been on the ground before the polls opened, I think they might all have got in their votes.

Question. Is it your belief that the Reformers have a majority of 400 in the ward, founded on your having conversations with that many persons in the ward?

Answer. No, sir.

Question. Is it founded on conversation with forty persons in the ward?

Answer. Yes, sir; and over a hundred.

Question. Have you any other means of ascertaining the sentiments of the ward?

Answer. Yes; by the ward being blocked, and every man's vote being taken down.

Question. Did you block the ward yourself?

Answer. No, sir.

Question. Do you know anything of the political sentiments of the voters, otherwise than by hearsay?

Answer. I do not; I know a great many voters of the ward personally.

Question. How many do you know personally?

Answer. I cannot specify the number; but roughly, I should estimate them at 300 Reformers.

Question. How long have you lived in the ward?

Answer. I moved there in March or April last.

Question. Of the 300 acquaintances you have in the ward, are they all Reformers?

Answer. I meant above to say, that I knew 300 Reformers; I know others who are not so.

Question. Did the Reformers carry their ticket at the Council election?

Answer. No, sir; about twelve o'clock, the Reformers were driven off.

Question. What was the number of rowdies at the sixteenth ward polls?

Answer. I counted a crowd of sixty that came up, and there were before that about seventy-five to ninety.

Question. Do you express it as your positive belief that seventy or eighty rowdies at the sixteenth ward polls kept away the Reform voters from voting, notwithstanding that the Reformers had 400 majority?

Answer. I do.

*Examination on both sides closed.*

BALTIMORE, December 30, 1859.

Correct.

GEORGE W. SQUIRES.

Test—DANIEL E. MYERS, J. P.

Adjourned to December 31, 1859.

Contestants now produce and file a paper writing, herewith returned, marked Contestants' Exhibit E.

## CONTESTANTS' EXHIBIT E.

DANIEL E. MYERS, J. P.

WARD.	Charles L. Kraft.	Thomas Booze.	Robert L. Seth.	Wm. A. Wisong.	George R. Berry.	F. C. Crowley.	R. A. McAllister.	Thos. M. Smith.	Robert Turner.	Marcus Denison.
1st	677	680	670	676	674	670	658	675	675	679
2d	1268	1269	1269	1268	1269	1269	1265	1268	1270	1268
3d	1433	1446	1405	1451	1444	1392	1378	1441	1462	1448
4th	1694	1698	1692	1704	1701	1667	1651	1701	1703	1704
5th	580	582	580	592	584	576	576	585	587	587
6th	834	833	825	852	838	807	807	840	850	845
7th	1080	1084	1078	1085	1086	1065	1060	1085	1089	1086
8th	211	220	213	231	222	203	195	221	229	222
9th	583	581	582	582	582	581	578	581	582	582
10th	970	964	955	971	968	946	942	973	971	975
11th	642	658	630	679	664	630	623	665	662	670
12th	453	471	450	491	474	436	433	477	471	479
13th	664	666	650	694	678	656	639	676	681	688
14th	471	477	461	499	483	439	440	487	488	499
15th	831	839	821	845	846	810	807	839	843	834
16th	777	782	777	788	784	761	763	783	784	787
17th	869	868	867	869	868	865	862	869	870	870
18th	1776	1779	1770	1790	1783	1727	1735	1786	1784	1794
19th	898	905	899	909	903	885	885	905	902	901
20th	884	892	879	908	895	863	855	905	897	904
	17,695	17,694	17,473	17,884	17,746	17,246	17,152	17,762	17,800	17,822

## CONTESTANTS' EXHIBIT E—concluded.

WARD.	Adam Denmead.	E. Wyatt Blancard.	Francis B. Loney.	Hugh A. Cooper.	Isaac S. George.	John J. Graves.	Henry Stockbridge.	John F. Meredith.	William Colton.	William F. Burns.
1st	107	108	108	108	106	105	107	108	104	107
2d	43	41	41	38	40	39	41	41	41	41
3d	314	296	307	300	315	294	301	315	288	302
4th	126	120	125	122	124	116	121	138	123	122
5th	177	172	173	174	172	167	174	174	170	174
6th	265	240	249	249	254	246	257	263	253	253
7th	156	156	156	158	158	160	158	157	159	159
8th	1644	1635	1633	1633	1642	1630	1639	1642	1633	1636
9th	126	125	124	124	124	124	125	125	125	125
10th	247	233	234	235	231	231	234	233	232	236
11th	591	575	571	564	569	545	565	555	555	569
12th	580	566	564	552	565	541	570	566	547	573
13th	364	357	354	351	353	336	360	363	347	363
14th	343	323	324	321	336	308	335	337	314	340
15th	111	99	100	97	99	93	103	102	93	115
16th	135	127	127	125	132	124	131	130	124	135
17th	21	21	21	19	21	20	21	21	19	21
18th	193	179	177	176	179	176	185	183	179	192
19th	207	204	204	203	204	199	206	205	203	206
20th	244	233	238	227	232	217	232	238	217	234
	5992	5810	5830	5778	5854	5671	5865	5896	5726	5903

I, George E. Sangston, Clerk of the Superior Court of Baltimore City, do hereby certify, that the annexed is truly transcribed from the return made by the Judges of Election, held in the City of Baltimore, on the second day of November, 1859, and filed in this office on the seventh day of November, A. D. 1859.

[L. S.] In testimony whereof, I hereto set my hand and affix my official seal, this thirtieth day of December, A. D. 1859.

GEO. E. SANGSTON, Clerk.

BALTIMORE, December 31, 1859.

PATRICK FINNIGAN, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Are you a legal voter of the city of Baltimore?

Answer. I am not; I am a native of Ireland, and have never been naturalized.

Question. Were you forcibly cooped prior to last election, on November 2d, 1859, and compelled against your will to vote on that day?

Answer. I was.

Question. Where were you taken by the parties who cooped you?

Answer. I could not say exactly, but it was in the neighborhood of Gay Street.

Question. What did they then do with you?

Answer. They took me down along Gay Street to the double pump near Odd Fellows' Hall, and there I called out "Watch;" a policeman came, and then they let me go; I went round to the watchhouse, and told Capt. Brashears all about it, and that the parties had pretended to arrest me for a murderer; he told me to come down the next morning, and see if I could recognize them, and make a charge against them; I then left the watchhouse; when I got outside I met two men, one of whom I knew, and they insisted on my going along with them, and took me down to Holliday Street, between Fayette and Baltimore Streets, put me in a room in "Ras Levy's" house, and kept me there until the morning of election; in two rooms there were about sixty or seventy other persons cooped; they beat me severely with billies and espantons, and I had the marks on my body for some two weeks; on the morning of election they took me out, right after the firing, and made me vote; the man who held me did not want to let me go, but a gentleman came over and insisted on my being let go, and so I was.

Question. While you were in the coop did you see John Hinesly there?

Answer. I did; I saw him there on Sunday night when I was taken in; I then called to him by name, but he wouldn't say anything to me, and then they beat me; he went out for a little while and came back afterwards; I saw him in the coop afterwards, I think it was Tuesday, or it may have been on Monday; there were others cooped besides myself in the room when Hinesly was in there.

BALTIMORE, December 31, 1859.

Correct.

PATRICK FINNIGAN.

Test—DANIEL E. MYERS, J. P.

WILLIAM STANLEY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you, on November 2d, 1859, a legal voter in the nineteenth ward of the city of Baltimore?

Answer. I was, and have been since 1842.

Question. Were you at the polls of that ward on that day ; if so, at what hour did you go, and how long did you remain there ?

Answer. I went there about five minutes after nine o'clock, A. M., and remained there until about eleven o'clock.

Question. Were the polls free and open to the approach of all voters while you were there ; if not, what was the character and extent of the obstruction ?

Answer. When I got there I found the polls taken complete possession of by about seventy to eighty ruffians, of whom I only knew about three, though I am pretty well acquainted with most of the voters of the ward ; while I was there no one except themselves was suffered to vote, with the exception of some fifteen or twenty Reformers ; I was beaten out by their elbows, three of them being right in front of me, punching me in the breast with their elbows ; I was pushed out twice ; I saw these men go around the corner, change hats and caps, and come back and vote three or four times ; they were men whom I had never seen before ; some of them looked like boys ; I saw one man, named Baugher, very badly beaten ; he was out of his mind for some days from the effects of the beating ; he and the man who had beaten him were both taken to the watchhouse, and the man was let go and he was kept there, as I understood ; I saw the man come back shortly after being carried off ; the Reformers left the polls, about thirty of us, together, at about eleven o'clock, being afraid of our lives if we stayed there any longer ; the crowd whooped and halloed after us as we were leaving, and followed us down.

Question. Were any arms used or displayed during the day by the crowd ?

Answer. I saw several of them with pistols in their pockets, and I saw one horse-pistol pulled out.

Question. Did the police make any attempt to preserve order, or to protect voters ?

Answer. No ; I saw one refuse to assist a man who applied to him for aid, the policeman saying that he had to obey the orders of his superior.

Question. Did you see any person vote, other than those you have mentioned, whose votes you believed to be illegal ?

Answer. I saw persons come up in hacks and vote, the crowd making way for them ; none of these votes I believed to be legal ; one of the men who came up in one of the hacks I knew personally, and he was not a legal voter of that ward.

### *Cross-examination.*

Question. Can you state the boundaries of the nineteenth ward ?

Answer. Yes ; beginning on the northwest corner of Lexing-

ton and Pine Streets, then out the north side of Lexington to the city limits, then on the west side of Pine Street to George Street, then on North side of George Street to Pennsylvania Avenue, then the west side of the avenue to city limits.

Question. Please state the distance from Pine Street to the western boundary?

Answer. About a mile, I should judge.

Question. Can you state the distance from Lexington Street to the northern boundary of the city?

Answer. I suppose about a mile.

Question. Do you know all the voters of the nineteenth ward?

Answer. I could not say that I know them all.

Question. Please to state whether you were connected with the Reform party of the nineteenth ward, and attended their meetings?

Answer. I never joined their association, but I attended their meetings.

Question. Please state the largest number of persons you saw at any Reform meeting of that ward?

Answer. I have seen over a hundred present; the meetings were never published but twice, I think.

Question. How many persons known to you to be Reformers, did you see on November 2d, 1859, at and in the vicinity of the polls?

Answer. At one time I should judge I saw 60, 70, or 80 men whom I knew to be Reformers.

Question. How many persons did you see assaulted while you were at the polls?

Answer. I saw certainly a hundred assaulted by elbowing, punching, pushing, &c., though some of them did get up to vote.

Question. How many persons did you see actually struck?

Answer. Only the one, Baugher, who was badly beaten, as I have stated.

Question. Did you vote?

Answer. No, sir; it is the first vote I ever lost in my life.

Question. How many of your personal acquaintances, legal voters of the nineteenth ward, were unable to vote, after persistent efforts to do so?

Answer. I saw about twenty of my personal acquaintances who made such efforts, prevented from voting.

Question. Did many persons, after being on the ground, go away again without making the effort to vote?

Answer. Yes, I must have seen 100 to 120, whom I recognized as men belonging to the ward, go away without voting.

Question. Were you a police officer stationed in that ward; if so, in what year, and have you lived in the ward since that time?

Answer. I was policeman under Mayor Hollins, from 1852 to

1854, and I have lived in that ward since that time continuously, with the exception of about three months.

Question. Can you form a tolerably correct estimate of the number of legal voters in that ward?

Answer. I should judge about 1700 to 1800.

Question. Can you state of your own personal knowledge, any illegal votes cast at the election of November 2d, 1859?

Answer. I saw numbers vote two, three, and sometimes four times.

Question. How many times did you see such illegal votes cast?

Answer. I cannot say that such persons were not entitled to vote once, but they were persons whom I did not know, some of them looked like boys; I should suppose I saw eighteen to twenty illegal votes cast, by persons voting more than once.

Question. Are there many naturalized voters in that ward?

Answer. Yes, a great many; I should suppose three to four hundred or more.

Question. During the time you were at the polls, did any of these foreigners come to the poll?

Answer. Yes, I saw a great many come to the polls and its vicinity, but as soon as the crowd saw them, they would whoop and halloa after them, and drive them away.

### *Re-examination.*

Question. When you were a police officer, were you ever on duty on election day?

Answer. Yes, sir.

Question. Did you ever receive orders not to interfere, in case a party of rowdies took possession of the polls, and drove away legal voters?

Answer. No, sir; our orders always were to arrest any party violating the law.

### *Examination closed on both sides.*

BALTIMORE, December 31, 1859.

Correct.

WILLIAM STANLEY.

Test—DANIEL E. MYERS, J. P.

JAMES P. THOMAS, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

### *Examination in chief.*

Question. Did you act as judge of election in the eighth ward, on November 2d, 1859?

Answer. I did.

Question. Was there free access to the judges' window, for all voters?

Answer. Yes, sir; I might probably except the last hour, when there was the usual amount of pulling, hauling, and crowding of a press of voters, incident to all elections, but it was all done by men of one party, apparently; no effort of intimidation.

Question. Did you see any voters prevented from reaching the judges' window, by assault, or intimidated by threats?

Answer. None; on the contrary, I remember particularly one man, at half-past three o'clock, who came up to the window and asked where he could get an American ticket, and I gave him one, and he took it and examined it carefully, up and down, and finally he folded it up, and voted it; I put it in the box, and he walked away quietly.

Question. Did a considerable number of persons offer to vote, who were not entitled to vote in that ward; if so, did the judges receive their ballots?

Answer. There were a number who so offered, and in every instance they were refused; in many cases, persons so coming up, being unknown to the judges, were challenged by the parties at the window, who were Reformers, and pointed out as not entitled to vote; these persons so coming up, would sometimes say that they had been driven away from their own wards, and felt themselves entitled to vote somewhere; all such votes, and all others of whom the judges had the least suspicion, were rejected.

#### *Cross-examination.*

Question. Did you distinguish the ballots of the different parties as they were voted?

Answer. I did not; I did not notice them particularly.

#### *Re-examination.*

Question. Were there any distinguishing marks on the American ticket?

Answer. There was a black line or stripe down the face of the ticket on the right of the names, and it was narrower than the other ticket.

#### *Examination closed on both sides.*

BALTIMORE, December 31, 1859.

Correct.

JAS. P. THOMAS.

Test—DANIEL E. MYERS, J. P.

GEORGE H. E. BALEY, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Are you a police officer of the city of Baltimore?

Answer. I am.

Question. Were you on November 2d, 1859, at the twelfth ward polls, and if so, how long?

Answer. I was there from about nine o'clock, until I took off a prisoner to the station house for committing an assault; I went back and remained at the polls until about twelve o'clock.

Question. Why did you then leave?

Answer. I received a note from Capt. Brown, requesting me to come to the station house.

Question. What was the substance of the note?

Answer. To the best of my knowledge it read;

GEORGE H. BALEY,

Will you please come to the station house?

By order of

CAPT. BROWN.

I went there and asked Capt. Brown if he had written that note, and he said he had by order of Deputy Marshal Manly.

Question. Did you ask permission to return to the twelfth ward polls to perform duty?

Answer. I asked Capt. Brown if I should go back to the polls and he said, "Why, they'll kill you!" I replied, "Well, if they kill me, arrest the men that do it and hang them;" I then said, "Well, you have no further use for me to-day;" he said no; I then went home and did not return to the polls.

Question. What orders were given to you or to other police officers with reference to the day of election?

Answer. The orders of the last election were given as being the same as had been given at the previous election, without specifying what they were.

Question. Did you, while at the polls, make a persistent effort to keep the access to the polls open, and to protect persons from assault who were trying to get to the judges' window?

Answer. I did everything in my power to protect and assist every man in his effort to vote, whether American or foreigner.

Question. Were you in such action supported and assisted by the other police officers on the ground?

Answer. Only in one instance.

Question. Where did the police officers generally station themselves?

Answer. They stood some distance from the polls at the corner, about half a square off, talking to crowds there; there were one or two who were near the polls.

Question. How many officers equally desirous to do their duty with yourself could have kept the poll open for all voters on that day?

Answer. I believe six men could have kept that poll open on that day.

Question. Was the poll taken forcible possession of by persons acting with one party, and if so, with what party?

Answer. They did try to take possession of the window and almost had it, while I was there, and as I left they rushed up and took entire possession; they were acting with the American party.

Question. Was your presence and conduct the only obstacle while you were there, to their complete and entire possession of the access to the polls?

Answer. I believe it was; I am satisfied they would otherwise have had entire possession twenty minutes after the window was up.

Question. Was there, while you were there, a constant effort on the part of this crowd to prevent the approach of Reform voters to the window?

Answer. Yes, sir, there was; in many instances men's hats were mashed over their faces, and they were intimidated in all sorts of ways; some of them were struck.

Question. How long have you been familiar with the population of that ward?

Answer. About fifteen years.

Question. Were the persons whom you have spoken of as obstructing voters and endeavoring to take possession of the polls, men whom you recognized as residents and voters of the ward?

Answer. I saw men there that were obstructing the polls; some were residents of the ward, some were not, and some of them I do not believe were residents of the city at all.

### *Cross-examination.*

Question. Please to state your occupation or business since November 2d, 1859?

Answer. I have been and am now a police officer.

Question. So far as you observed, did the judges of election do their duty?

Answer. Two of them did, but one I did not think tried to do his.

Question. If the judge was derelict in any way, please say how?

Answer. Well, from what I could see, he was trying to get me away from the window; I saw him and Houck, and the clerk, Schley, holding conversation in low tones; in fact, the judge went so far as to say that I was rioting at the window, and I believe that it was in consequence of these conversations, which I have alluded to, that I received the order.

Question. Did you call upon any of the police stationed at the twelfth ward to arrest any parties guilty of an infraction of the law; if so, which of them refused?

Answer. I do not recollect calling upon any of them, for the reason that the sergeant came to the window and ordered me away from the window, and I concluded that it was of no use to call upon the other officers after the sergeant ordered me away; but I did not go away—I remained.

Question. Can you state what orders were given by the Mayor for the guidance of the police on the day of the Municipal election?

Answer. To the best of my knowledge the orders were, that a sergeant or lieutenant was to take a certain number of men and go to all the different polls, and to see that the polls were kept open, and to arrest all drunken and disorderly persons; they were the same orders that were published in the papers.

Question. Was there any change in these orders on November 2d, 1859?

Answer. No, not that I know of; I understood them to be the same.

Question. From whom did you have such orders?

Answer. I think it was Captain Brown, of the Western District Station House.

Question. How many police were sent to the twelfth ward polls?

Answer. I think there were about ten with a sergeant.

*Examination closed on both sides.*

BALTIMORE, December 31, 1859.

Correct.

GEO. H. E. BAILEY.

Test—DANIEL E. MYERS, J. P.

Adjourned to January 2d, 1860.

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BALTIMORE, January 2d, 1860.

JOHN KER, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says:

*Examination in chief.*

Question. Were you on November 2d, 1859, engaged as local reporter for "The Daily Exchange" newspaper of the city of Baltimore?

Answer. I was.

Question. Did you on the afternoon of that day visit the polls of any of the wards of the city?

Answer. I did visit the seventeenth, eighteenth, fifteenth and fourteenth ward polls.

Question. At which of them were the polls free and accessible to all voters?

Answer. I did not see that there was free access to any of them.

Question. State what was the general condition of things at these polls?

Answer. The polls seemed to be in the entire possession of one party; there was no voting, except that occasionally persons would ride up in carriages and vote—persons, some of whom I knew to be residents of other wards.

Question. From your observation was there a general feeling of insecurity, apprehension and alarm?

Answer. Yes, it seemed to me to be very general.

A copy of the "Baltimore Clipper" is now produced and exhibited to the witness, of the date of November 1st, 1859, and he is requested to cut therefrom any notices of the American Clubs which he may find and recognize therein, and to file the same; the witness cuts therefrom and files the annexed:

*Washington American Club of the Eleventh Ward.*—You are requested to attend a meeting of the club on this (Tuesday) evening, at 7½ o'clock. Turn out in your strength, as business of importance demands your consideration. By order of the

PRESIDENT.

*Attention Original Plug Uglies.*—The time for action has arrived. You are particularly requested to attend a special meeting on this (Tuesday) evening, November 1st, at 9 o'clock. Let every Plug be at his post, and let nothing but sickness prevent him being there. All things are ready to battle with the enemy. By order,

SECRETARY.

*Little Fellows to the Rescue.*—Arouse and gird on your armor—Your best energies will be required to protect your cherished rights against the misrule of Locofoco foreigners on to-morrow. Every member is requested to be punctual in attendance on this

(Tuesday) evening, at 7 o'clock, as business of importance will come up for consideration. By order,

F. M. DOBBIN, President.

W. E. BAKER, Secretary.

*Awake Tigers.*—Awake and face your enemy—Attention Tigers. Meet at the regular place of meeting at midnight. Business of importance demands your presence. Every Tiger is expected to be at his post. By order of the Big Tiger,

JOS. H. EDWARDS, President.

A. G. SAULSBURY, Secretary.

*Spring Garden Arouse.*—The members of the sixteenth ward American Eutaw Club are requested to meet at their hall this (Tuesday) evening, at 9 o'clock.

By order of the

PRESIDENT.

*Notice.*—The members of the Wells and McComas Club are requested to attend a special meeting, to be held at their hall, on this (Tuesday) evening, after the adjournment of council, as business of the utmost importance claims their attention. By order of the

PRESIDENT.

*Regulators.*—You know your duty. Be on deck to-night at our restaurant.

By order,

JOHN SHANEY, President.

*The Last Grand Rally to make Victory sure.*—The Jourdan American Club will meet this (Tuesday) evening, at 7½ o'clock, at the hall, corner of High and Lombard Streets, to make final arrangements for the great triumph. By order,

ALEX. STEUART, President.

JOHN H. PRICE, Secretary.

*Rattlers' American Club No. 1, Twelfth Ward.*—The original members of the American Rattlers are hereby notified to meet on (Tuesday) evening, November 1st, at 7 o'clock, as there are traitors in the camp.

P. S. The awls will be ready for distribution. By order,  
ROBERT NELSON, President.

*The members of the Jefferson American Club* will meet immediately after the adjournment of the council. Every member of the club will please take notice.

By order,

SAMUEL MCCLINTOCK, President.

*Cross-examination.*

Question. Please state your age and place of birth?

Answer. I am thirty-six years of age, was born in Northampton County, Virginia.

Question. How long have you been a resident of Baltimore?

Answer. Over nine years.

Question. In which ward did you vote on November 2d, 1859?

Answer. I did not vote.

Question. In which ward were you entitled to vote?

Answer. In the eighteenth.

Question. At what time of day did you go to the eighteenth ward polls?

Answer. About one or two o'clock, P. M.

Question. How close did you approach the judges' window?

Answer. About up to the curbstone.

Question. At that time, did you see cannon, swivels, pistols or other weapons in the hands of ruffians or lawless characters?

Answer. I did not.

Questions. Did you see any citizens treated with violence?

Answer. I did not see any so treated.

Question. How many persons did you see around the window at that time?

Answer. There was a large crowd, I could not specify the number.

Question. Please state whether you made a persistent effort to get to the window with a view to deposit your ballot?

Answer. I made no effort to get to the judges' window.

Question. Did you see any one make a persistent effort to vote; and did you see any one repulsed?

Answer. I did not; I was there but a very short time.

Question. Did you see any voting at the eighteenth ward whilst you were there?

Answer. The crowd was so great I could not see; but I think there was some voting.

Question. Was there any molestation of voters at that ward at that time?

Answer. Not that I saw.

Question. Please state the hour at which you were at the seventeenth ward polls?

Answer. I think between three and four o'clock, P. M.

Question. Did you see any one molested or assaulted at those polls, while there?

Answer. No, sir.

Question. How long were you at the seventeenth ward polls?

Answer. About half an hour or perhaps three-quarters of an hour.

Question. Please state how long you were at the sixteenth ward polls?

Answer. I was there twice at about five o'clock, and remained altogether about one hour.

Question. Did you see any violence there?

Answer. I saw some fighting, and the police took a party to the station-house, and had great difficulty in quieting the disturbance.

Question. Was the row quieted before you left?

Answer. It was.

Question. Please state how long you were at the fifteenth ward polls, and at what hour you went there.

Answer. I went there before six o'clock, and remained there twenty minutes to half an hour.

Question. Did you see any molestation of voters at that time?

Answer. None at that time.

Question. At any of these wards, fifteenth, sixteenth, seventeenth or eighteenth, was there a discharge of firearms whilst you were there?

Answer. There was at the seventeenth ward firing of muskets.

Question. Was any one hurt by such firing?

Answer. I think not.

Question. Were the muskets aimed at anybody?

Answer. I was not near enough to see that; when the muskets were brought out I went off.

Question. Have you a personal knowledge that any legal voter was prevented from voting by the exhibition of those muskets?

Answer. I have no personal knowledge.

Question. You have stated in answer to the fourth question in chief that you saw persons ride up in carriages and vote, some of whom you knew to be residents of other wards; please state how many such illegal votes you saw cast?

Answer. I saw but one carriage, which had five persons in it, and I think they all voted, but there was only one of them whom I knew to be a resident of another ward, and I saw him vote.

Question. You have said in answer to the third question that there was not free access to all voters at any of the polls that you visited; please state whether you saw any person hindered or molested at either of those polls that you visited?

Answer. No; I did not see any one hindered or molested.

Question. You have stated in answer to the fifth question, that there seemed to be a general feeling of insecurity, apprehension and alarm; now please to give any illustrations of this state of affairs that came under your observation?

Answer. I heard persons say they were afraid to go up to vote.

Question. How many persons did you hear so express themselves at these wards, respectively?

Answer. I could not tell how many, but there were several, enough to cause me to form the opinion in that respect, which I have expressed.

Question. Please to state how many persons in each of those wards whom you knew to be legal voters thereat, were unable to vote after having made persistent efforts to do so?

Answer. I cannot say.

Question. Can you speak of any; if so, give their names?

Answer. I cannot.

### *Re-examination.*

Question. Why did you not make an effort to vote?

Answer. Because I thought there was too much danger attending it.

Question. At the various polls which you visited, and where you have said you saw no person molested or interfered with, did you see any person whom you recognized as a Reformer, or had reason to believe was such, venture to hold Reform tickets, or to attempt to approach the polls to vote?

Answer. I did not see Reform tickets at any of those polls, nor did I see any one whom I knew or supposed to be a Reformer attempt to vote.

### *Cross-examination.*

Question. When you went to the eighteenth ward poll, did you go with a serious design to vote?

Answer. I went with the intention to vote, if the danger was not, in my opinion, too great.

Question. Please to state whether you saw any voter at the eighteenth ward interfered with or ill-treated?

Answer. I did not.

Question. Were you threatened?

Answer. I was not.

Question. Did you see any person at any of the polls holding Reform tickets, or attempting to vote them, driven away from any of the polls?

Answer. I did not.

### *Examination closed on both sides.*

BALTIMORE, January 2d, 1860.

Correct.

JOHN KER.

Test—DANIEL E. MYERS, J. P.

Adjourned to January 3d, 1860.

BALTIMORE, January 3d, 1860.

CLIFTON W. TAYLEURE, a witness of lawful age, produced on the part of the contestants, being duly sworn, deposes and says :

*Examination in chief.*

Question. What was your occupation or business in October and November, 1859 ?

Answer. I was local reporter for the "Baltimore Clipper."

Question. Did you in your business as reporter attend a mass meeting of the American party, presided over by the Hon. Anthony Kennedy, and addressed by the Hon. H. Winter Davis, and others, which was held in Monument Square, shortly before the election of November 2d, 1859 ?

Answer. I attended that meeting, being on the outskirts of the crowd.

Question. Did you see the procession of the American clubs pass on the way to that meeting, and did you then or at any other time, note carefully the banners, devices, and transparencies carried by them in that procession ?

Answer. I did.

Question. What was the general character of such banners, devices, and transparencies ; and specify, if you can, such of them as you now recollect ?

Answer. Some of them were of the usual character on election transparencies ; some were humorous and some were threatening ; the prevailing figure was that of an awl. One of the transparencies was the figure of a man running, with another in pursuit, sticking him with an awl. There was another figure of a bleeding head, with the device, "The head of a Reformer." There was another of an uplifted arm, with a clenched fist, with the device, "With this we'll do the work ;" another was, as well as I recollect,

"Reform movement, Reform man,  
If you can vote, I'll be d—d."

One of the parties, on horseback, with a ribbon around him, carried a large awl strapped to his back. A party from the eighteenth ward had a forge, with fire, and persons hammering, apparently making awls ; they had a small cannon, which they fired from time to time. Several of the clubs bore banners with their names on them, the "Tigers," "Eubolts," &c.

Question. Did you, on November 2d, 1859, attend at any of the polls as Reporter ?

Answer. I visited several of them, but not in that capacity, simply as a looker on.

Question. Did you find at any of the polls, or in any of the wards you so visited, the polls free and open, and equally access-

ible to members of both political parties, without discrimination; if so, please specify at which of the polls such state of things existed; if not equally open and free, please state what was the character of the obstruction, and by which party, if any, was such obstruction occasioned?

Answer. I saw at very few of the polls any positive act of violence, but there certainly was obstruction at some of them; I saw persons attempting to vote who were repulsed by shoving, pushing, and jerking; what ticket they intended to vote I do not know; those who were engaged in so pushing, generally held open American tickets; I visited the third, seventh, sixth, tenth, ninth, eighteenth, nineteenth, twelfth, fourteenth, and sixteenth ward polls, between the hours of ten A. M., and one P. M., in the order in which I have named them. I approached the seventh ward polls with the intention of voting, and was several times pushed from the window and prevented, in spite of my efforts, from accomplishing my purpose; I remained on the ground about twenty minutes after being thus repulsed, and during that period saw three persons violently struck and driven from the ground; one of these persons was named Shryock, as I learned afterwards; one was an Irishman, whom I did not know, and the third was an old and respectable man, apparently an American.

*Cross-examination.*

Question. How long have you lived in Baltimore?

Answer. About seven years.

Question. How long have you lived in the seventh ward?

Answer. A little over a year.

Question. Do you know the political bias of the people of the seventh ward?

Answer. I do not.

Question. You have stated in your testimony in chief, that you witnessed three persons being assaulted at the seventh ward polls; please to state now whether you have a personal knowledge that these three persons were legal voters of that ward?

Answer. I am unable to say, they being utter strangers to me.

Question. Was this mass-meeting in the square a very large meeting?

Answer. That I am unable to say; I stood on the outskirts of the crowd, and my attention was engaged in taking down inscriptions.

Question. Please state whether, in your visit to the third, sixth, seventh, ninth, tenth, twelfth, fourteenth, sixteenth, eighteenth and nineteenth wards, on November 2d, 1859, between the hours of ten and one o'clock, you saw armed bands of ruffians interfering with the voting at such places, respectively?

Answer. I saw men whose appearance was not of the most

peaceable character, whose manner was threatening and turbulent, and calculated to intimidate; they carried no arms openly that I saw.

Question. Did you see any voting between the hours of ten and one o'clock, at these wards respectively?

Answer. I saw very little voting, and that confined apparently to one party.

Question. At the time you witnessed such voting did you see Reformers prevented from voting; and if so, how many at the various wards respectively, men whom you knew to be legal voters of those several wards?

Answer. I saw none that *I knew* to be Reformers prevented from voting.

Question. At the tenth ward, visited by you, between ten and one o'clock, please state how many persons you saw repulsed therefrom by shoving, pushing and jerking?

Answer. That I am unable to say with any accuracy, but I saw a large number so repulsed; I should say, altogether, upwards of a hundred persons.

*Examination closed on both sides.*

BALTIMORE, January 3d, 1859.

Correct.

CLIFTON W. TAYLEURE.

Test—DANIEL E. MYERS, J. P.

ANDREW L. RICHARDSON, a witness of lawful age, produced on the part of the contestants, being first duly sworn, deposes and says:

Question. Are you in any way connected with the publication of a daily newspaper of the city of Baltimore, styled "The Daily Baltimore Republican."

Answer. I am employed as a clerk in the office of that paper.


Question. Was there, on or about the 29th day of October, 1859, a notice or advertisement brought to that office for insertion in that paper, by some member of or person representing the Regulator Club?

Answer. There was; a man came in and handed me an advertisement for insertion, and asked me how much it would cost; I told him, and he said he would have to consult either Mr. Shaney or Mr. Levy, I forget which, and that he would come back and let me know; he came back afterwards, and I deducted a quarter from the price named, and then he told me to insert it, and he paid for it; it was inserted in the afternoon edition of the same day.

Question. Produce and file herewith a copy of the notice brought to you and inserted?

Answer. The witness now produces and files with me the annexed notice, cut from a paper of the edition referred to by him in his testimony, and identified by him as a correct copy of the notice left with him for insertion:

BALTIMORE, October 28, 1859.

 MESSRS. EDITORS:—Wishing to call the attention of the public to an article in the editorial column of the Clipper of this morning, which denounces us as not being connected with the American party, we wish to state that we, the members of the Regulator Club of the Tenth Ward, have nothing to gain but all to lose, and will hereafter have nothing to do with carrying the ward, but let the respectable portion of the citizens of the ward deposit their votes, and not be interfered with in any way whatever, as we are of no use to the American party.

JOHN SHANEY, President.

ERASMUS LEVY, Secretary.

*Examination on both sides closed.*

BALTIMORE, January 3, 1860.

Correct.

A. L. RICHARDSON.

Test—DANIEL E. MYERS, J. P.

*State of Maryland, City of Baltimore, to wit:*

I, Daniel E. Myers, a Justice of the Peace of the State of Maryland, in and for the city of Baltimore, duly commissioned and sworn, do hereby certify, that, after application made to me by Adam Denmead and others, the herein before-named contestants, I caused to be served upon the parties, returned as elected to the House of Delegates for the ensuing two years, a notification (a copy of which, with proof of service attached, is hereto annexed, marked "Contestants' Exhibit B."), requiring them to attend at my office, No. 28 St. Paul Street, in said city, on December 5th, 1859, and from day to day thereafter, to take the depositions of the witnesses therein named.

I further certify, that the witnesses, whose depositions are herewith returned, were first by me duly sworn, or respectively affirmed, to testify truly and fully in the matter of the contest, referred to in the notice of contest hereto attached; that I caused the testimony of said witnesses, together with the questions propounded by the parties, or their attorneys, to be reduced

to writing in my presence, and in the presence of the parties, or their attorneys, by William C. Pennington, who was first by me duly sworn, fairly to write down and transcribe the depositions of witnesses; that the deposition of each witness was taken in pursuance of, and at the time and place mentioned in, the notices to take depositions, copies of which, with proof of service, are hereto attached, marked "Contestants' Exhibits C. and D.;" that each witness signed his deposition in my presence, after the same had been read to him.

I further certify, that the papers, marked "Contestants' Exhibits A., B., C., D., and E.," severally, were filed by the contestants on the dates respectively marked thereon, and that a memorandum thereof was made on said dates in the record of the testimony.

In testimony whereof, I hereunto subscribe my name, and affix my seal, at the said city of Baltimore, this third day of January, in the year eighteen hundred and sixty.

DANIEL E. MYERS. [SEAL.]

*State of Maryland, City of Baltimore, set :*

I hereby certify, that Daniel E. Myers, before whom the foregoing depositions appear to have been made, and who has thereto subscribed his name, was, at the time of his so doing, a Justice of the Peace of the State of Maryland, in and for the city of Baltimore, duly commissioned and qualified.

In testimony whereof, I hereto set my hand, and affix the seal of the Superior Court of Baltimore City, this 3d day of January, A. D. 1860.

[SEAL.]

GEORGE E. SANGSTON,  
Clerk of the Superior Court of Baltimore City.

## ALPHABETICAL LIST OF WITNESSES.

	Page
Alexander, James, . . .	296
Allen, William, . . .	111
Austin, Thomas S. . .	131

Baley, George H. E. . .	344
Ballard, Levin E. . .	285
Bartlett, William, . .	36
Baughman, Charles W. G.	304
Baxley, Dr. H. Willis, .	240
Bean, Joseph H. . . .	222
Bowers, Frederick J. .	326
Bradford, Dr. Charles H.	99
Bridge, Stephen, . . .	86
Briding, Ernst W. . . .	252
Brotherton, John P. . .	289
Brown, George William, .	160
Brown, Henry C. . . .	67
Bryan, Wm. Shepard . .	306

Canby, William, . . .	217
Carr, Wilson C. N. . . .	203
Cary, Wilson N. . . . .	312
Clarkson, Joseph, . . .	92
Coale, Thomas E. . . .	301
Cockey, Edward, . . . .	238
Conway, Alfred, . . . .	318
Crow, John T. . . . .	322
Cushing, Robert Henry, .	219

Daily, Thomas, . . . .	156
Diggs, John R. . . . .	69

Ellis, Capt. John C. H. .	315
Evans, George, . . . .	72

Finnigan, Patrick, . . .	338
Fitzpatrick, Peter, . . .	108
Fosbenner, William G. .	297
Frey, Gottlieb, . . . .	269
Funk, Henry, . . . . .	144

Gorton, William S. . . .	14
--------------------------	----

Hann, James H. . . . .	292
Hanzsche, Henry, . . . .	174

	Page
Heiner, John Z. . . . .	153
Hinks, Charles D. . . .	243
Hitchcock, Josiah, . . .	18
Horn, Benjamin, . . . .	309
Horney, Edward, . . . .	11
Hintze, Dr. Frederick E. B.	150
Hunt, William, . . . . .	20

Kemp, Simon, Sr., . . . .	65
Ker, John, . . . . .	346
Kitler, John, . . . . .	193
Krantz, John C. . . . .	38
Kyle, George H. . . . .	255

Levy, Samuel, . . . . .	316
Llewellyn, James, . . . .	32
Lyon, James William, . .	201

Maccubbin, H. W. . . . .	236
Maier, Rev. L. D. . . . .	48
Martin, Thomas H. . . .	170
Martin, William P. . . .	261
Mauer, William, . . . .	46
McGlannan, Thomas, . .	248
McCurley, Felix, . . . .	279
Meyer, Frederick C. . . .	41
Montell, James E. . . . .	211
Moon, Edward, . . . . .	282
Morris, Dr. John, . . . .	159
Morris, Thomas H. . . .	324
Morrison, Hugh J. . . . .	105
Mowbray, George W. . . .	77
Muller, Louis, . . . . .	141
Murphy, James J. . . . .	125

Passano, Leonard, . . . .	56
Penington, Augustine H. .	328
Phelps, Charles E. . . . .	225
Printy, John, . . . . .	254

Randolph, James T. . . .	51
Ray, William G. . . . .	90
Redmond, Archibald B. . .	44
Reeder, George W. . . . .	270
Reynolds, Luther M. . . .	121

	Page
Riael, Patrick, . . .	239
Richardson, Andrew L. . .	354
Ritzius, John J. . .	266
Robinson, Dr. A. C. . .	227
Rusk, Thomas J. . .	23
Sangston, Lawrence, . .	234
Sauerwein, Peter G. . .	213
Simon, Adolph J. L. . .	146
Sherwood, Philip, . .	62
Sloan, James, Jr., . .	84
Smith, Samuel R. . .	280
Smith, William H. . .	27
Squires, George W. . .	333
Stanley, William, . .	339
Stansbury, Elijah, . .	29
Stetter, William, . .	34
Stewart, James H. . .	302
Swindell, Charles Edward, . .	271

	Page
Swindell, William, . .	272
Tappan, Dr. William C. . .	134
Tayleure, Clifton W. . .	352
Taylor, Dr. Milton N. . .	116
Teufel, Frederick, . .	194
Thomas, James P. . .	342
Thomas, Dr. J. Hanson, . .	196
Turner, Thomas, . .	139
Vansant, Joshua, . .	95
Vansant, Joseph, . .	113
Wallis, S. Teackle, . .	175
Wellslager, Stephen W. . .	43
White, Samuel, . .	264
Williams, Dr. John B. . .	232
Woodall, Theodore, . .	276
Woodward, John H. . .	257

# INDEX TO THE NAMES OF WITNESSES BY WARDS.

## FIRST WARD.

	Page
Edward Horney, . . .	11
William S. Gorton, . . .	14
Josiah Hitchcock, . . .	18
William Hunt, . . .	20
Thos. J. Rusk, . . .	23
Wm. H. Smith, . . .	27
James Llewellyn, . . .	32
Edward Cockey, . . .	238

## SECOND WARD.

Elijah Stansbury, . . .	29
William Stetter, . . .	34
William Bartlett, . . .	36
John C. Krantz, . . .	38
Frederick C. Meyer, . . .	41
Stephen D. Wellslager, . . .	43
Archibald B. Redmond, . . .	44
William Mauer, . . .	46

## THIRD WARD.

Rev. L. D. Maier, . . .	48
James T. Randolph, . . .	51
Philip Sherwood, . . .	62

## FOURTH WARD.

Leonard Passano, . . .	56
Simon Kemp, Sr., . . .	65
Henry C. Brown, . . .	67
John R. Diggs, . . .	69
George Evans, . . .	72
James Sloan, Jr., . . .	84
William Allen, . . .	111

## FIFTH WARD.

George W. Mowbray, . . .	77
Stephen Bridge, . . .	86
William G. Ray, . . .	90
Joseph Clarkson, . . .	92
Joshua Vansant, . . .	95
Joseph Vansant, . . .	113

## SIXTH WARD.

	Page
Dr. Charles H. Bradford, . . .	99
Hugh J. Morrison, . . .	105
Dr. Milton N. Taylor, . . .	116

## SEVENTH WARD.

Luther M. Reynolds, . . .	121
James J. Murphy, . . .	125
Thomas S. Austiu, . . .	131
Dr. William C. Tappan, . . .	134
Thomas Turner, . . .	139

## EIGHTH WARD.

Augustine H. Penington, . . .	328
James P. Thomas, . . .	342

## NINTH WARD.

Louis Muller, . . .	141
Adolph J. L. Simon, . . .	146
Dr. Frederick E. B. Hintze, . . .	150
John Z. Heiner, . . .	153
Thomas Daily, . . .	156
Dr. John Morris, . . .	159

## TENTH WARD.

George Wm. Brown, . . .	160
Thomas H. Martin, . . .	170
Henry Hanzsche, . . .	174
S. Teackle Wallis, . . .	175
Thomas H. Morris, . . .	324

## ELEVENTH WARD.

Dr. J. Hanson Thomas, . . .	196
James William Lyon, . . .	201
Wilson C. N. Carr, . . .	203
James E. Montell, . . .	211
Wm. Canby, . . .	217
Wilson N. Cary, . . .	312
Thomas H. Morris, . . .	324

## TWELFTH WARD.

	Page
Peter G. Sauerwein, . .	213
Adolph J. L. Simon, . .	146
George H. E. Baley, . .	344

## THIRTEENTH WARD.

Robert Henry Cushing, .	219
Joseph H. Bean, . .	222
Dr. A. C. Robinson, . .	227
Dr. John B. Williams, .	232
Thomas E. Coale, . .	301

## FOURTEENTH WARD.

Lawrence Sangston, . .	234
Henry W. Maccubbin, . .	236
Patrick Rial, . .	239
Dr. H. Willis Baxley, . .	240
Charles D. Hinks, . .	243
Thomas McGlannan, . .	248

## FIFTEENTH WARD.

Ernst W. Briding, . .	252
John Printy, . .	254
George H. Kyle, . .	255
William G. Fosbenner, .	297
Augustine H. Penington, .	328

## SIXTEENTH WARD.

Henry W. Maccubbin, . .	236
John H. Woodward, . .	257
William P. Martin, . .	261
Samuel White, . .	264
Theodore Woodall, . .	276
Frederick J. Bowers, . .	326

George W. Squires, . .	Page 333
------------------------	----------

## SEVENTEENTH WARD.

Gottlieb Frey, . .	269
George W. Reeder, . .	270
Charles Edward Swindell, .	271
William Swindell, . .	272

## EIGHTEENTH WARD.

Lawrence Sangston, . .	234
Felix McCurley, . .	279
Samuel R. Smith, . .	280
Edward Moon, . .	282
Levin E. Ballard, . .	285
John P. Brotherton, . .	289

## NINETEENTH WARD.

James H. Hann, . .	292
James Alexander, . .	296
James H. Stewart, . .	302
Charles W. G. Baughman, .	304
William Shepard Bryan, . .	306
Alfred Conway, . .	318
William Stanley, . .	339

## TWENTIETH WARD.

James E. Montell, . .	211
Charles E. Phelps, . .	225
Benjamin Horn, . .	309
Wilson N. Cary, . .	312
John C. H. Ellis, . .	315
Samuel Levy, . .	316
John T. Crow, . .	322

## COOPS.

	Page
William Bartlett, . .	36
Peter Fitzpatrick, . .	108
Henry Funk, . .	144
John Kitler, . .	193

	Page
Frederick Teufel, . .	194
John Justus Ritzius, . .	266
Patrick Finnigan, . .	338



